

1 UNITED STATES OF AMERICA
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA

5 V Case No. 16-20062

6 MARTEL STRONG - D-5,

7 WILLIAM STEELE - D-12,

8 Defendants.

9 _ _ _ _ _ /

10 EXCERPT FROM JURY TRIAL

11 BEFORE CHIEF JUDGE DENISE PAGE HOOD

12 U.S. DISTRICT COURT

13 231 W. LAFAYETTE STREET, COURTROOM 730

14 DETROIT, MICHIGAN

15 FRIDAY, JULY 14, 2017

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Friday, July 14, 2017

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Detroit, Michigan

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At approximately 1:30 p.m.

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(Prior proceedings held in open court were
stenographically reported but not ordered transcribed.)

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THE CLERK: Recalling Case No. 16-20062,

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United States of America versus Martel Strong and
William Steele.

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11

MR. CRALLE: Shane Cralle for the United
States.

12

13

MR. HEESTERS: Good afternoon, Your Honor.
Michael Feesters for the United States.

14

15

THE COURT: And please identify who is at
counsel table with you.

16

17

MR. CRALLE: Would you like for me to do
that every time?

18

19

THE COURT: Yes, please.

Absolutely. Thank you, Your Honor.

20

21

Sherita Gentry and Special Agent Joseph
Nether.

22

23

THE COURT: Thank you.

24

25

MR. NISKAR: Good afternoon, Your Honor.
Joseph Niskar appearing on behalf of and with
Mr. Strong.

1 MR. BERGER: Seymour Berger on behalf of
2 Mr. Steele.

3 THE COURT: I think that you all received a
4 copy of the schedule?

5 MR. CRALLE: Yes, Your Honor.

6 MR. NISKAR: Yes, Your Honor.

7 THE COURT: I'm going to give this copy to
8 the jury, and I'm also going to read them the
9 instruction on notetaking and then you can begin, okay?

10 MR. NISKAR: Yes. Thank you.

11 THE COURT: Very good. Let's bring them out
12 if you're ready.

13 MR. NISKAR: We're ready.

14 We would ask for a mutual sequestration
15 during trial.

16 THE COURT: I think that Mr. Cralle is going
17 to call Special Agent Nether first?

18 MR. CRALLE: That's right.

19 THE COURT: He's likely to be asked to stay
20 at the table, but he knows not to speak to any witnesses
21 about the testimony of other witnesses.

22 MR. NISKAR: And there is one other exception
23 that we've agreed on and that is my client's wife,
24 Ms. Weekes, who is in the front row, may be called as
25 only a character witness and not a fact witness.

1 THE COURT: So she can stay?

2 MR. NISKAR: We've agreed upon that.

3 MR. CRALLE: That's fine, Your Honor.

4 THE COURT: And do you have any other
5 witnesses here in court, Mr. Cralle?

6 MR. CRALLE: No, Your Honor.

7 THE COURT: How about you, Mr. Niskar, do you
8 have anybody else?

9 MR. NISKAR: No.

10 THE COURT: Mr. Berger, do you have any
11 witnesses in court?

12 MR. BERGER: No, Your Honor, none other than
13 the Defendant maybe.

14 THE COURT: So you all know there are some
15 many interns, and they will come in and go, and whoever
16 is sitting up here with me will probably kind of look to
17 see if they have a tag on so we can tell if they're
18 somebody like that. But if you notice anybody who's not
19 and you think they're a witness, let us know, okay?

20 MR. NISKAR: Yes.

21 THE COURT: I think we're ready to bring out
22 the jury, are we?

23 MR. NISKAR: Yes.

24 MR. CRALLE: Yes.

25 THE COURT: Okay. Let's bring out the jury.

1 (Whereupon at 1:35 p.m. the Jury was brought
2 into the courtroom.)

3 THE COURT: Are you satisfied the Jury is
4 present and properly seated?

5 MR. CRALLE: Yes, Your Honor.

6 MR. NISKAR: Yes, Your Honor.

7 MR. BERGER: Yes, Your Honor.

8 THE COURT: I am going to give you, if you
9 didn't get it already, a schedule of the day. You
10 already got it? And it is subject to my changing it
11 depending on the other schedule of the Court.

12 And I see some of you have pads. And what
13 else? Anything else? No.

14 I'm going to give you an instruction on
15 notetaking. If you want to take notes during the course
16 of the trial, you may do so; however, it is difficult to
17 take detailed notes and pay attention to what the
18 witnesses are saying at the same time.

19 If you do take notes, be sure that your
20 notetaking does not interfere with your listening to and
21 considering all of the evidence.

22 Also, if you do take notes, do not discuss
23 them with anyone before you begin your deliberations.
24 Do not take your notes with you at the end of the day,
25 be sure to leave them with the court officer.

1 And if you choose not to take notes,
2 remember that it is your own individual responsibility
3 to listen carefully to the evidence. You cannot give
4 this responsibility to someone else who is taking notes.

5 We depend on the judgment of all members of
6 the Jury. You all must remember the evidence in the
7 case.

8 Now, I know some people have sweaters. I
9 told the jurors who were here yesterday that it is
10 either cold or hot, and so for now we're opting for
11 cold. So if you're feeling cold, please bring a sweater
12 on Monday.

13 I'm ready to begin if you're ready to make
14 your opening statements.

15 MR. HEESTERS: Thank you, Your Honor.

16 Good afternoon, ladies and gentlemen.

17 This case is about the Detroit Rollin 60s
18 Crips.

19 In during the course of this trial, the
20 Government is going to prove to you that they are who
21 they say they are. All I know is smoke weed, rob,
22 steal, sell dope, roll dice, get money, and gang bang
23 with my Crips. Handguns, choppers, can't find you, then
24 we dump it on your mama.

25 Choppers are AK-47s, and this is a post from

1 Defendant Martel Strong's Facebook page, and it
2 accurately depicts the Detroit Rollin 60s Crips.

3 This case is about a violent street gang.
4 It's about a violent street gang that operated in and
5 terrorized the City of Detroit.

6 It's about a violent street gang that
7 committed murder, robberies, arson, drug trafficking and
8 possession and use of illegal firearms.

9 It's about a violent street gang who used
10 fear and intimidation in order to control territories
11 within the city, commit crimes, and make money for
12 themselves within that territory.

13 It's about a violent street gang that these
14 two Defendants willingly joined, actively participated
15 in, never withdrew from, and reaped the benefits of
16 until they were arrested.

17 Ladies and gentlemen, over the course of
18 this trial, you're going to be able to delve deeply
19 inside of the world of Detroit Rollin 60s Crips.

20 You're going to see numerous exhibits and
21 hear from many witnesses, some of whom are former gang
22 members themselves, that's going to expose you to the
23 violence, drugs, and guns that were commonplace within
24 the Detroit Rollin 60s Crips.

25 More specifically, you're going to hear

1 evidence that the gang existed, that these Defendants
2 were members of the gang, and these Defendants committed
3 crimes on behalf of the gang.

4 And you're also going to hear how they
5 benefitted through their membership, and they benefitted
6 through membership, ladies and gentlemen, through
7 territorial control and protection of one another; that
8 enabled these Defendants to commit crimes like selling
9 drugs within the gang's territory and increase their
10 standing within the gang itself.

11 But before I get to these specific
12 Defendants, I'm going to give you a background and an
13 overview of the evidence you're going to hear about the
14 gang in general.

15 So what are the Detroit Rollin 60s Crips?
16 You're going to hear testimony that the Detroit Rollin
17 60s Crips are a subset of the national Rollin 60s Crips
18 street gang. That the Rolling 60s street gang was
19 originally found in Los Angeles, but in Detroit, they
20 control a relatively well-defined territory which you
21 can see on this screen. It's primarily around Seven
22 Mile Road and Tracy Street which is located in northwest
23 Detroit, but they also control other areas of the city
24 as well which you can see on this screen.

25 You're going to learn from former gang

1 members that they controlled this area through fear and
2 intimidation. And they marked their territory through a
3 possess called tagging. And tagging means essentially
4 spray painting Rollin 60s symbols and other drawings on
5 buildings, signs and other structures to mark the
6 territory so that people that lived in the neighborhood
7 and other gangs know whose territory it is.

8 And here's an example you can see on the
9 screen now. And one of the former gang members are
10 going to walk you through during trial each and every
11 one of these tags on this building.

12 So let me give you a little primer on it.

13 If you look on the left at the top it says
14 "Seven Mile." That's the gang's territory. Below that,
15 it says "Neighborhood Crips," NHC. That's how they
16 refer to themselves as. They're neighborhood Crips, and
17 there's differentiation between different types of Crips
18 that you'll hear about at trial.

19 If you look further down, you see the
20 letters "WRSC" where the "S" is a money symbol. That
21 stands for west side Rollin 60s Crips. That's the
22 Detroit Rollin 60s Crips.

23 If you look further along, you see "Post
24 Crip, Crippin Ain't Dead." The Detroit Rollin 60s are
25 part of the Crips street gang.

1 The former gang members are also going to
2 tell you that clear demarcation of the gang's territory
3 is important, and it's important because it allows gang
4 members to commit crimes, like selling drugs and
5 robberies, within the territory with impunity.

6 It provides the safe haven where gang
7 members will look out for each other and make money for
8 themselves, and we're going to prove that to you at
9 trial.

10 How do gang members identify themselves?
11 They do so in several basic ways. They use distinct
12 gang sign hand gestures; they obtain similar tattoos;
13 they wear similar colors; and they even talk in a
14 specialized gang language.

15 More specifically, as you can see here, gang
16 members wear royal blue and sky blue color of clothing,
17 bandanas, and beaded necklaces.

18 They affiliate with the University of North
19 Carolina's Tarheels and the Seattle Mariners. And it's
20 not because they're fans of the teams, it's because of
21 the colors, royal blue and sky blue.

22 And you're going to see numerous examples of
23 that all throughout trial and it will be explained to
24 you by the cooperators, but let me show you some
25 examples.

1 If you look closely at this picture, you'll
2 see blue bandanas, you'll see blue shirts, and you'll
3 see blue beaded necklaces. You'll see people flashing
4 the gang sign, two fingers down, thumb out. That's the
5 gang sign.

6 You'll also, by the way, if you look
7 closely, the person on the left in the white shirt, that
8 is Defendant William Steele.

9 You're going to hear that this photo was
10 taken at an annual gang event they have called Hood Day.
11 Hood Day is every June 10th, and there is a significance
12 to that date, which you'll hear about from the
13 cooperators.

14 Here is another picture of Defendant Steele.
15 This is from Facebook. And you've probably already
16 heard, I think, that you're going to see numerous
17 Facebook posts, photos and messages throughout trial,
18 and that's because that is how the Defendants talk to
19 each other, over the Internet, over social media.

20 So this is a picture of Mr. Steele from
21 Facebook. If you look closely, you'll see a blue beaded
22 necklace. That's an indicia of the Rollin 60s Crips.
23 And below that you see a blue bandana with the Seattle
24 Mariners' logo. Again, from Facebook.

25 That's Martel Strong flashing a gang sign.

1 Below that you see three people. The person
2 all the way on the right is Defendant Steele.

3 If you look closely in that picture, you'll
4 see blue bandanas, blue beads, a blue T-shirt and a gun.

5 Now, here's two other gang members, Jerome
6 Hamilton and Darriyon Mills. They're not at the defense
7 table, but their names are going to come up over and
8 over again throughout trial. And you're going to hear
9 about them because Jerome Hamilton is the originator of
10 the gang in Detroit. Darriyon Mills is just below
11 Jerome Hamilton in the pecking order.

12 And if you look at this picture, if you look
13 at Jerome Hamilton's neck, he's wearing a blue bandana,
14 And he's flashing the gang sign: two fingers down, thumb
15 out.

16 Darriyon Mills, blue shirt, gang sign, blue
17 bandana.

18 I mentioned that you're going to hear from
19 cooperators, and here they are.

20 I'm not going to go through everything that
21 they're going to tell you, but again, if you look at
22 this picture you'll see what I've been talking about:
23 gang signs, blue shirt, blue beaded necklaces, blue
24 bandanas. Over and over again and over again you're
25 going to see this at trial, and each one of the people

1 are going to be on the witness stand and tell you about
2 it.

3 And these cooperators are also going to
4 confirm for you that the gang existed, that these two
5 Defendants were part of the gang, and these two
6 Defendants were active members of the gang.

7 And when you hear the cooperators talk,
8 think about what they say in the totality of the
9 evidence. Think about how what they say is corroborated
10 by everything else that you hear and see.

11 Gang members also identify themselves
12 through tattoos. They get the Seattle Mariners logo,
13 the University of North Carolina insignia, the RSC logo,
14 Rollin 60s Crips where the "S" is the money sign, And
15 they get the words "Rich Rollin" because that's one of
16 the gang's sayings, mottos.

17 So these are from Facebook again. There's
18 Defendant Steele on the left.

19 If you look at his right pectoral, you see a
20 Seattle Mariner's logo tattooed right on his chest.

21 Martel Strong, that's Defendant Strong's
22 arm. "Rich Rollin." That's the gang's motto, right
23 down his arm.

24 You're also going to learn, as I said, that
25 the gang talked in a specialized gang language. Here's

1 some examples. And you're going to see this at trial in
2 Facebook posts where they write this way, and you're
3 going to hear on recorded phone calls where they talk
4 this way.

5 Now, I'm not going to go through everything,
6 but I'll give you one simple example that you're going
7 to hear and see over and over again.

8 The Rollin 60s are Crips. The Crips main
9 rivals are the Bloods. So what the Crips do in a lot of
10 their spoken language and when they write, they remove
11 the letter "B" from words and input the letter "C."

12 So, for example, you're going to hear a
13 recorded phone call during trial with Mr. Steele on the
14 call, and he says the word "back," b-a-c-k, but he
15 doesn't say it like that. He removes the "B" and says
16 "cack," c-a-c-k. He says the word "about," a-b-o-u-t,
17 but he removes the "B" and says "acout." So just be on
18 the lookout for that during trial, and you're going to
19 see it in the Facebook postings, and some of the times
20 it's going to be so hard to understand, the cooperators
21 are going to have to interpret it for you.

22 You're also going to learn the gang members
23 have nicknames and sometimes multiple nicknames.

24 In fact, it's rare the gang members even go
25 by their real names. And sometimes some gang members

1 don't even know their fellow gang members real names.

2 What does that mean for you? That means at
3 trial, don't be surprised when you see Facebook postings
4 and you hear the cooperators testify for them to refer
5 to each other, the Defendants and other gang members, by
6 their nicknames, not by their real names.

7 And here's an example. This is from
8 Defendant Steele's Facebook page.

9 If you look up in the right-hand corner,
10 "Looni," that's Mr. Barber. He's going to testify.

11 Next to him is "Thunder." That's
12 Mr. Woodley. He's going to testify.

13 Next to him "Fatal." That's Darriyon Mills
14 who you've already seen in a prior slide.

15 Below that is "Cane." That's Mr. Weaver.
16 He's going to testify.

17 "Shotti," that's Defendant Steele.

18 And you're going to hear testimony that he
19 got that nickname "Shotti" because he always carried the
20 gun.

21 "Tizzy," that's another gang member.

22 You see gang signs, and as I said, this is
23 from Mr. Steele's Facebook page.

24 Oh, and by the way, you see Seattle Mariners
25 on the left, and below, 60s, with the "S" as the money

1 symbol.

2 The gang is also organized by rankings.
3 They divide the gang into smaller subsections called
4 lines, and each line is headed by a leader known as the
5 "Big Homey." And the "Big Homey" starts with the letter
6 "B," so they don't pronounce "Big Homey." They call it
7 "Cig Homey," C-i-g, but it's really "Big Homey." That's
8 the leader of these individual lines within the gang
9 itself.

10 Below the Big Homey are several lower-level
11 rankings that includes "Lil," "Baby," "Tiny," and
12 "Infant."

13 And the picture you see on the screen now,
14 this is just a representation of the gang and the lines.
15 So, for example, you see the Maniac line. That's one of
16 the main lines in the gang that's headed by Jerome
17 Hamilton.

18 You see the "Sicco line"? That's Charles
19 Smith's line. He's going to be here to testify.

20 But this is just a representation again.
21 This isn't all the gang members.

22 All told at any given time, the gang has
23 between 30 and 50 members.

24 But you're also going to hear evidence of
25 how gang members increase their ranking, Increase their

1 standing within the gang, and they do so in several
2 basic ways.

3 First, the more fear that you instill in
4 others, the higher your ranking. And second, and maybe
5 more importantly, the more criminal activity that you
6 participate in, the higher your ranking.

7 And the Rollin 60s have a very specific way
8 that they refer to criminal activity. They call it
9 "doing work" or "going on missions."

10 And work and missions to a Rollin 60s gang
11 members means drug trafficking, murder, arson,
12 robberies.

13 You're going to see all those things during
14 trial, and you're going to hear about those crimes.

15 So that's a general background of the gang
16 memorabilia.

17 There's more to come. You're going to learn
18 more things, more specifics about the gang.

19 Now I'm going to move on and talk about the
20 Defendants themselves.

21 Again, these are from Facebook. Defendant
22 Steele's nickname as you know is "Shotti," but he also
23 has another nickname of "Lil Fatal," and that's because
24 he's directly below Darriyon Mills in the pecking order.
25 And Darriyon Mills' nickname is "Fatal" so he's "Lil

1 Fatal."

2 He's in a line referred to as the Maniac
3 line which you saw, and he's a drug dealer that made
4 money selling drugs under the protection of the Rollin
5 60s.

6 You're going to learn through the
7 cooperators that Defendant Steele sold cocaine,
8 prescription pills, codeine cough syrup, and marijuana.
9 In fact, he was arrested multiple times with marijuana
10 that was prepackaged for resale. And at one of those
11 arrests, he had \$1400.00 of cash on him. And the police
12 officer who arrested him that day, he's going to be here
13 to testify.

14 But Defendant Steele is also involved in
15 violent gang crime. You're going to hear a recorded
16 phone call from September of 2012 where Darriyon Mills,
17 "Fatal," calls Mr. Steele and requested Mr. Steele
18 murder someone for him.

19 And a few months before that, in July of
20 2012, Mr. Steele is arrested as he walked down the
21 street with this gun (indicating) and this extended
22 magazine (indicating).

23 And an extended magazine, ladies and
24 gentlemen, is just a magazine that holds more bullets
25 than normal.

1 But why was he carrying this gun and
2 extended magazine?

3 You're going to hear another recorded phone
4 call where he says why. He says he was walking down the
5 street with these, walking behind another gang member
6 named Jermel Coleman to look out for Jermel Coleman.
7 And that's important.

8 And this is something you're going to hear
9 over and over again throughout trial. This is what gang
10 members do. They look out for each other, they have
11 each other's back, and that allows them to commit crimes
12 and sell drugs within their territory and make money for
13 themselves.

14 So what about Defendant Strong? Defendant
15 Strong is a Rollin 60s gang member with the nickname of
16 "Bang-em Tel." He has an Infant ranking. He's in the
17 Maniac line of Jerome Hamilton, who's the originator of
18 the gang.

19 As you can see here, these three pictures
20 from Facebook, and you can see gang signs and a gun.

21 You're going to see multiple Facebook
22 postings from Defendant Strong throughout trial. Some
23 of these posts he's going to admit that he's a Rollin
24 60s gang member.

25 Here goes the top one: "RSC for life guns,"

1 "Rollin 60s for life."

2 Below that, and you've already seen this,
3 "Gang bang with my Crips, Cheese, Fatal and Bang-em."

4 "Bang-em" is him, "Fatal" is Darriyon Mills,
5 and "Cheese" is another gang member named Tre Tigner.

6 Gang bang with Tre Tigner, Darriyon Mills,
7 and Mr. Strong.

8 But he's also a drug dealer that sold drugs
9 under the protection of the Rollin 60s.

10 One of the cooperators is going to tell you
11 that selling drugs is one of Mr. Strong's specialties.

12 In fact, you're going to see numerous
13 Facebook postings from Mr. Strong's account where he
14 offers to sell drugs, discusses selling drugs, and
15 agrees to sell drugs.

16 And you're going to see pictures from his
17 account of drugs. One picture is a digital scale with
18 marijuana on top, and another picture is a stack of
19 money about 4 to 5 inches thick.

20 But he's also violent. Charles Smith, one
21 of the cooperators, is going to testify. He's going to
22 tell you that he was with Defendant Strong and Jerome
23 Hamilton on a porch one day hanging out. A girl pulls
24 up in a car, Defendant Strong suggests that they go
25 carjack her and steal her car.

1 Mr. Smith, Charles Smith, a former gang
2 member, knew the girl and asked them not to do that.
3 And fortunately they didn't do it, but it illustrates
4 how violent this gang is.

5 So now you've heard a general overview of
6 evidence about the gang itself, you've heard a little
7 bit about the Defendants. Now, I want to briefly
8 discuss the charges you're going to hear about.

9 Judge Hood is going to give you a number of
10 instructions throughout trial about what the crimes are
11 and what the law is. I want to give you a little bit of
12 context about the law so as you begin to hear evidence,
13 you can orient yourself to where the evidence is
14 actually falling within the law.

15 During the preliminary instructions you
16 heard the term "RICO," and you may be wondering what
17 RICO is.

18 RICO, ladies and gentlemen, is just a law in
19 the United States. It's the RICO Act. It's just the
20 law.

21 And the Judge at the end of this trial is
22 going to instruct you on the specific, relevant, legal
23 definitions in that law that you have to apply.

24 Let me just offer this simple definition to
25 help orient you as you begin hearing the evidence.

1 Simply put, the RICO law applies to a group
2 of people that come together over a period of time to
3 commit crimes. And that in essence is what the
4 Government is going to prove to you over the course of
5 this trial about the Rollin 60s.

6 And the Defendants in this case are charged
7 with being part of a RICO conspiracy. And to prove a
8 RICO conspiracy, the Government has to meet these five
9 elements with the evidence.

10 I want to briefly discuss these five
11 elements and give you a sampling of the evidence that
12 you're going to hear that falls under each element.

13 So let's look at the first two.

14 Did an enterprise exist? And was the
15 Defendant associated with the enterprise?

16 Ladies and gentlemen, an enterprise is just
17 a way of saying a group of people that come together
18 over a period of time for a common criminal purpose.
19 And a group of people can be a gang. A gang can be an
20 enterprise.

21 And the common criminal purpose can be to
22 provide territory, organization, and protection of one
23 another to commit crimes, crimes like murder, arson, rug
24 dealing, and robbery.

25 And the evidence in this trial is

1 definitively going to show you that the Rollin 60s
2 existed.

3 Special Agent Joe Nether of the Bureau of
4 Alcohol, Tobacco and Firearms is going to testify. He
5 investigated the Rollin 60s for many years. He's going
6 to walk you through what he did, the investigative
7 methods he used, and show you the evidence that he
8 collected.

9 But it's more than that. You're going to
10 hear from the former gang members that the Rollin 60s
11 street gang existed, that gang members committed crimes
12 and were rewarded for doing so.

13 And they're going to confirm many of the
14 things I've already told you. Like the tattoos, the
15 territory, the spray painting, the colors, the
16 specialized gang language, the rankings, the overall
17 organization, and much more.

18 Second element. Were the Defendants
19 associated with the enterprise? That's relatively
20 self-explanatory, but all it means is did the Defendants
21 join the Rollin 60s Crips to further the activities of
22 the gang?

23 And again, the former gang members are going
24 to tell you that these Defendants were in the gang.
25 They were members of the Rollin 60s.

1 In addition, you're going to see numerous
2 Facebook posts, some of which I've already shown you
3 where the Defendants admit that they're gang members.

4 The third element: Did the Defendants
5 knowingly agree to conduct or participate in the affairs
6 of the enterprise?

7 This is just a way of saying did the
8 Defendants participate in activities associated with the
9 gang or the operation of the gang?

10 So, for example, I told you, I've been
11 alluding to the fact, that drug dealing was one way that
12 this gang made money. These two Defendants are both
13 drug dealing members of the Rollin 60s, and you're going
14 to hear evidence of that.

15 You're also going to hear testimony that
16 robbery was another way that this gang made money. I've
17 given you one example about the carjacking that
18 Mr. Strong suggested. You're going to hear about an ATM
19 robbery where another guy member was shot through the
20 teeth and killed, and you're going to hear about
21 numerous other robberies also.

22 Regarding the operation of the gang. You're
23 going to see Facebook posts and hear evidence, for
24 example, of how Defendant Strong participated in and had
25 knowledge of the initiation procedures for the gang.

1 And the gang had a very specific initiation procedure
2 called a "Put On." And you're going to learn all about
3 that Put On and you're going to see that Defendant
4 Strong had knowledge of and participated in that.

5 Fourth element: Did the Defendant agree
6 that he or a co-conspirator were engaged in a pattern of
7 racketeering activities?

8 Now, this element has to do with
9 racketeering acts or activities.

10 So what's a racketeering act? Racketeering
11 acts are just crimes that are elicited in the
12 racketeering law.

13 The racketeering law just lists out a bunch
14 of crimes and says those are racketeering acts. Some of
15 those crimes it lists are murder, arson, robbery, drug
16 dealing. All things that are relevant to this case.

17 But what does it mean for a defendant to
18 engage in a pattern of racketeering?

19 This basically means that the Defendant or
20 another gang member commit two of those racketeering
21 acts, like murder, robbery, arson, drug dealing.

22 And this is what's important. It doesn't
23 have to be the Defendant that commits the crime. It can
24 be another gang member, as long as the crime is related
25 to the gang that the Defendant agreed to join.

1 So what does that mean for you? What does
2 it mean for the type of evidence you're going to hear?

3 It basically means you're going to hear two
4 types of racketeering acts.

5 The first type are acts that these specific
6 Defendants committed.

7 So again, for example, drug dealing. Each
8 of these Defendants was involved in selling drugs, and
9 you're going to hear evidence of that.

10 You're going to hear how each of these
11 Defendants used their gang affiliation to advertise
12 their drug dealing, network with customers, and provide
13 a protected territory to conduct their drug sales.

14 So that's the first category. That's an
15 example: Acts that these Defendants did themselves.

16 The second category of racketeering acts are
17 acts that other gang members did on behalf of the gang.
18 So what are they? I mentioned the ATM robbery. I keep
19 mentioning an arson. There's a fire bombing in this
20 case that you're going to hear about. I keep mentioning
21 a murder. You're going to hear about a drive-by murder,
22 I'm going to tell you it's about it now because it
23 illustrates how violent this gang truly was.

24 August 8th, 2011, it's Monday, between 5 and
25 5:30 p.m. Four Rollin 60s gang members get into a car

1 and they drive to an area around Carlin and Belton
2 Streets in Detroit.

3 Now, at that time, it's Monday, August 8th
4 at 5 or 5:30. And this is a picture from that day on
5 the left. So it's not raining, it's light out, people
6 are outside. There's literally -- and you're going to
7 see a picture of this -- there's literally a basketball
8 hoop in the street. And that car right there is parked
9 on the side of the road and Quante Atkins is working on
10 his car.

11 Right as he's working on his car, four
12 Rollin 60s gang members drive down the street, three of
13 them begin firing wildly out of the window, one bullet
14 strikes Quante Atkins, who, by the way, is an innocent
15 bystander, has nothing to do with the gang, and Quante
16 Atkins is gunned down and murdered in the street.

17 Left behind at the scene of the crime were
18 at least 20 shell casings from two guns and a Seattle
19 Mariners baseball hat.

20 In the car, as the police would later learn,
21 were Jerome Hamilton, the leader of the gang; Jonathan
22 Barber, who's going be here to testify; Roderek Perry,
23 who's also going to sit on this witness stand and
24 testify; and Torian Brinson, who's dead.

25 All four of those people are members of the

1 Rollin 60s.

2 But why did they do this murder? Why did
3 they do this drive-by?

4 You're going to learn from the people that
5 did the drive-by themselves, Roderek Perry and Jonathan
6 Barber, the purpose of this drive-by was to actually to
7 shoot and kill someone else, another person who had a
8 beef with the gang, who had an argument with the gang.
9 It wasn't intended for Quante Atkins.

10 And this is important again. This is what
11 the gang does. They have each other's back and they
12 clear out rivals. That allows the gang members to sell
13 drugs and commit other crimes and make money for
14 themselves easier.

15 Last element: Did the enterprise affect
16 interstate commerce?

17 This basically means did the crimes of the
18 enterprise affect commerce between multiple states?

19 So you're going to hear numerous ways that
20 happened. Two examples are drug trafficking and use of
21 the internet to organize crimes and encourage others to
22 commit crimes. So just keep your ear out for those
23 things.

24 Now, I'm not going to take up much more of
25 your time. I want to discuss one other thing I've been

1 alluding to throughout, and that's how the evidence in
2 this case as a whole is going to corroborate itself.

3 So as you see and you hear the evidence,
4 which includes in part Special Agent Joe Nether's
5 testimony, testimony from the cooperating gang members,
6 testimony from other law enforcement like local police,
7 testimony from a victim of the arson who's going to be
8 here, Facebook posts of the Defendants, Facebook posts
9 of the cooperators, recorded statements of the
10 Defendants, and much, much more, keep in mind and think
11 about how the evidence all fits together like a puzzle.
12 And it fits together to show that the Rollin 60s are
13 what they claim to be, a violent gang that sells dope,
14 robs, steals, gets money and gang bangs with fellow
15 Crips.

16 At the end of this case, after all the facts
17 are in, after you hear all the evidence, after you think
18 about the totality of the evidence, after you see how
19 the evidence corroborates itself, after you weigh each
20 piece of evidence appropriately, we're going to come
21 back to you and ask you to do what the evidence in this
22 case compels. And, frankly, what the evidence in this
23 case demands is that you find these two Defendants
24 guilty of each of the crimes they're charged with.
25 Thank you.

1 Thank you, Judge.

2 THE COURT: Thank you.

3 Mr. Niskar, do you wish to make an opening
4 statement at this time?

5 MR. NISKAR: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. NISKAR: Good afternoon, ladies and
8 gentlemen.

9 As the Judge told you before we began
10 opening statements, opening statements and the
11 statements that Mr. Heesters just made are not evidence.
12 That means that you have heard no evidence yet. The
13 presumption of innocence is still on Mr. Strong. And
14 you can tell that he believes in his case, and he
15 believes in his case strongly.

16 But that is why I was so careful in
17 selecting you as jurors because it's important to find
18 people again that will not just jump to conclusion, that
19 will not buy a story based upon emotion. That they will
20 hold the line. That you will wait for the evidence to
21 start before you make up your mind about any facts in
22 this case.

23 And so, again, you have heard no evidence.
24 You have not even seen a wisp of smoke.

25 The charges in this case and the fact that

1 Mr. Strong is sitting here in this courthouse is not
2 evidence. And again, he's presumed innocent. He's not
3 guilty as you sit here right now.

4 Now, this case is being brought against the
5 backdrop of significant media attention in our nation
6 and our cities regarding violence in our communities.

7 And again, I believe that Mr. Heesters is
8 attempting to not prey on your emotions, but to get you
9 amped up and to -- I think you need to realize that
10 despite the news accounts and what we see and what we
11 hear on the radio, on the TV, on websites, whatever it
12 is about violence in our community, you again were
13 qualified as jurors because you agreed to decide this
14 case based upon, again, the evidence in this case only.
15 And that you won't let whatever else you have heard
16 about about gang members breaking into your home,
17 tagging your home, or tagging your community. Whatever
18 it is that has happened outside of this courtroom is not
19 relevant to your decision in this case.

20 And again, I'm confident that you will be
21 able to set aside any sympathy that you might have based
22 upon what you hear in the news and what you hear in the
23 media about gang violence and about violence in our
24 community in general. No one supports it.

25 But again, that's not what this case is

1 about. This case is only about Mr. Strong and whether
2 or not the Government can prove that he engaged in this
3 racketeering.

4 Now, as you again can tell from
5 Mr. Heesters' argument, the language and the overtones
6 in this case, I believe, will be hot-blooded, they will
7 be sensitive. And during jury selection there have been
8 some light-hearted moments, okay, and there's nothing
9 wrong with that as long as you all continue to
10 understand that this is a very serious case.

11 If something happens during this case where
12 I make a joke or something happens, don't think that I
13 don't take this case seriously, I do, and so does
14 Mr. Strong, okay.

15 If something happens that leaves a bad taste
16 in your mouth because of something that I do in
17 questioning a witness, in making an argument, again,
18 don't hold that against Mr. Strong, okay. I'm only
19 doing what I know how to do for over 20 years, and that
20 is to zealously represent my client. I intend to do
21 that, And if I do anything to offend you, I apologize
22 now, but I ask that you not hold that against my client.

23 Mr. Strong has pled not guilty, as the Judge
24 has told you. He is presumed innocent. And each of you
25 made a promise that qualified you as jurors that you

1 would continue to presume his innocence throughout this
2 trial.

3 That means that when you go home at the end
4 of the day, when you're in your car on your way home
5 commuting to and from the courthouse, Mr. Strong is not
6 guilty. He's presumed innocent.

7 When you're sitting at the table with your
8 loved ones, your friends, you're breaking bread, during
9 that time when you're not in this courthouse, Mr. Strong
10 is not guilty.

11 Right now as you listen to the evidence,
12 despite what you may hear and how you may think about
13 things as you're hearing them from the witness stand,
14 Mr. Strong is not guilty.

15 We know and have confidence that you will
16 continue to keep your promise and afford Mr. Strong the
17 presumption of innocence throughout this entire trial.

18 Now, that presumption of innocence and that
19 verdict of not guilty that we're going to ask you for at
20 the end of this case, and that presumption of innocence
21 continues throughout the entire trial, unless the
22 prosecution can prove each element of the crime beyond a
23 reasonable doubt.

24 And Mr. Heesters and the Government put up a
25 PowerPoint with five elements of the racketeering

1 statute in this case.

2 The analogy that I like to make that I think
3 is helpful to jurors is that the elements of a crime and
4 the elements of that racketeering statute are just like
5 the ingredients in a cake mix or the mix that you get at
6 the grocery store. You know, you go to Meijer's, you
7 pick the cake mix box off the shelf, and you look at the
8 back, what else do I need with this mix, right? You
9 have the powder that's inside the box, but you also need
10 the egg, you need the oil, you need the water.

11 If you're missing just one of those
12 ingredients, whatever it is, the egg, the oil, the
13 water, when the buzzer goes off on the oven, it's going
14 to smell like a cake, but it's not going to be a cake.
15 It's not going to taste like a cake. It's not going to
16 be the kind of cake that you like because you're missing
17 an element. Each ingredient, each element has to be
18 there.

19 And in this case, I am going to agree at the
20 outset that there are some ingredients, some elements of
21 this racketeering statute that are there. No doubt
22 about it that the Rollin 60s Crips exist. That there is
23 such a thing, okay. That's not what we're going to be
24 fighting about. That's not the element or the
25 ingredient that we say is missing from this mix.

1 In this case, the main -- the focus on this
2 case is going to be that the Government will not be able
3 to prove to you beyond a reasonable doubt that
4 Mr. Strong, and again, I only represent Mr. Strong,
5 okay. Mr. Strong, you're going to hear and you've
6 already seen stuff that relates to Mr. Steele and
7 Mr. Strong. I am here to represent Mr. Strong, as I
8 told you during jury selection. And each of you
9 promised that you will keep it straight and afford
10 Mr. Strong your individual assessment of the evidence
11 and your individual judgment in this case.

12 But the Government will not be able to
13 prove, going back to the missing ingredient, they will
14 not be able to prove beyond a reasonable doubt that the
15 Defendant furthered the activities of the Rollin 60s
16 Crips, okay.

17 Did he hang out with them? Yeah. He's
18 known some of these members, Jerome Hamilton, Tre
19 Tigner, since elementary school. These guys were five,
20 six, seven years old running around together.

21 And you will see that over time -- and
22 Mr. Strong is one of the oldest of anyone you will see
23 come on and off that witness stand -- you will see that
24 over time this group, Rollin 60s, evolved. And you will
25 see that, as we all do in life, we evolve as well and we

1 move on.

2 And you will see, and have already have seen
3 from the Facebook messages that are from 2008, 2009,
4 that that was a time when Mr. Strong was still living in
5 the area that's been marked and that you've seen Tracy
6 Street, Snowden Street.

7 Over time, and soon after 2010, Mr. Strong
8 moved away from that area. He moved away. He moved to
9 Pontiac, Hazel Park and Warren. And in those areas, he
10 didn't associate with these other guys that are going to
11 come on and off the witness stand. He didn't further
12 the activities of this group or agree by himself or with
13 others that they would engage in crimes or engage in a
14 pattern of racketeering.

15 The Government knows this as well. You will
16 learn that originally -- and again, an indictment that
17 brings you and gets you arrested and brings you into
18 federal court in front of a jury, in front of a judge to
19 decide your fate, this isn't an invitation to a tea
20 party, all right. This indictment specifically alleges
21 that Martel Strong was ordered to go out and commit a
22 robbery and that he was with other individuals and
23 agreed to go with them to commit a robbery against a
24 person named GB. The initials of the person are GB.

25 That's what the Indictment says, okay. That

1 Indictment that was brought against Mr. Strong in 2016
2 puts him on notice that he should be prepared to defend
3 in this case that he agreed and participated in an armed
4 robbery.

5 Three weeks ago, two and a half weeks ago,
6 Agent Nether, the special agent in charge of this case,
7 you will learn and hear as evidence in this case,
8 testified before a grand jury, and has since come off of
9 that position, and has since agreed, and will most
10 likely have to concede, that that's not as clear any
11 more. That now, since Mr. Strong has been indicted,
12 they've done more investigation in this case, and now
13 it's not as clear that Mr. Strong was present, that
14 Mr. Strong ever agreed to do this, or participate in
15 this.

16 So rush to judgment? I say so. Unfair?
17 Absolutely.

18 You will not be able to find again that
19 ingredient that he agreed by himself or with others to
20 participate in the affairs of this group.

21 You may see him at a party. You may see him
22 wearing a blue shirt. But later, 2011, '12, '13, '14,
23 '15, '16, you will not see or hear any evidence that he
24 did anything criminal that furthered the conduct or
25 furthered this group's position or fear factor in the

1 community.

2 And unless you can make those findings
3 beyond a reasonable doubt, you will have to find
4 Mr. Strong not guilty.

5 It doesn't matter what other people did.
6 You must find, as the Government has put on the board,
7 again, the Defendant agreed to participate in the
8 affairs and agreed to a pattern of racketeering.

9 His knowledge alone about a Put On or a
10 fight between people is of no consequence.

11 The fact that he was informed through
12 Facebook messages that someone is doing something is of
13 no consequence.

14 Knowledge of something happening alone, and
15 the Judge is going to give you an instruction, that
16 isn't enough. He has to have the intent. He has to
17 agree. He has to not only know that it's going to
18 happen, but agree and participate in it as well. And in
19 this case, you will not hear any evidence of the sort.

20 Now, acquitting or finding Mr. Strong not
21 guilty, again as we discussed during jury selection,
22 should not and must not depend on you hearing him
23 testify or the defense presenting any evidence in this
24 case at all.

25 Rather, it depends on you seeing the case,

1 from start to finish, as a test of the Government's case
2 as a rush to judgment, without credible or reliable
3 proof.

4 And at the end of the case, I'm not going to
5 go through all the evidence that I think you're going to
6 hear, most of it doesn't even and won't relate to my
7 client at all, but at the end of the case, I will come
8 back before you and put the pieces of the puzzle
9 together for you and show you why I believe that the
10 evidence that is going to be introduced in this case
11 does not fit to form a picture in a puzzle of proof
12 beyond a reasonable doubt of guilt.

13 And I'm going to ask that you find my
14 client, Martel Strong, not guilty. Thank you very much.

15 THE COURT: Thank you.

16 Mr. Berger, do you wish to make an opening
17 at this time or reserve it until later?

18 MR. BERGER: I want to reserve it for later,
19 Your Honor.

20 THE COURT: Okay. Thank you.

21 Is the Government ready to call their first
22 witness?

23 MR. CRALLE: Yes, Your Honor.

24 THE COURT: You may.

25 MR. CRALLE: At this time we'll call Special

1 Agent Nether.

2 J O S E P H N E T H E R, after being first
3 duly sworn, was examined under his oath and testified as
4 follows:

5 THE WITNESS: Joseph Nether, N-e-t-h-e-r.

6 D I R E C T E X A M I N A T I O N

7 BY MR. CRALLE:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. How are you employed?

11 A. I'm a special agent with the Bureau of Alcohol,
12 Tobacco, Firearms and Explosives.

13 Q. Is that commonly known as ATF?

14 A. Yes, it is.

15 Q. How long have you been employed by the ATF?

16 A. Next month it will be 16 years.

17 Q. And you're a special agent?

18 A. Yes, that's correct.

19 Q. What does that mean?

20 A. It means I'm a criminal investigator, so I
21 actually investigate criminal matters related to
22 firearms, narcotics, violent acts.

23 Q. In the course of your, I believe you said 16
24 years, what sort of investigations have you conducted?

25 A. Throughout my career, I've investigated narcotics

1 organizations that traffic drugs, armed drug dealers,
2 people that hire people to murder individuals,
3 murder-for-hire investigations.

4 I've done approximately ten-plus armed robbery
5 crews, individuals that get together that actually are
6 going out committing armed robberies of individuals or
7 businesses.

8 I've investigated multiple street gangs, and
9 that's -- the street gangs is what my focus has been for
10 the last few years.

11 Q. And in addition to your investigations, have you
12 ever done any other sort of work for the ATF either here
13 or elsewhere in the country in an undercover capacity?

14 A. Yes. I'm a member of the Enhanced Undercover
15 Program within ATF. I'm one of approximately 30 members
16 that are members of this organization, and that causes
17 me to at times travel to different parts of the country
18 to help other agents with their undercover
19 investigations. So I have been other places to actually
20 infiltrate robbery crews, purchase guns and narcotics in
21 these other places doing these investigations.

22 Q. Have you ever worked on any task forces?

23 A. Yes, I've worked on several.

24 Q. Let's start with, what is a task force?

25 A. A task force is where there's multiple different

1 agencies that could be local police, state police, as
2 well as federal agencies that come together and
3 investigate crimes together.

4 Q. What task forces have you been on?

5 A. The first task force I was involved in was called
6 the Downriver Area Narcotics Organization, which was a
7 Michigan State Police funded task force. The base at
8 the time, it was Downriver, our office was in
9 Brownstown. And that was a task force that was
10 comprised mostly of the local police departments in and
11 around the Downriver area as well as the Michigan State
12 Police. And we investigated kind of low-level to
13 mid-level narcotics organizations.

14 Q. Any others?

15 A. I was also on a task force called TIDE, which I
16 believe is called -- stood for Tactical Intelligence
17 Driven Enforcement, which was a task force in the City
18 of Detroit, which was comprised of the state police,
19 ATF, and Detroit Police Department.

20 And at that time we were investigating a lot of
21 armed narcotics traffickers particularly in the
22 northwest area of Detroit. My focus at the time was the
23 Joy Road area where there was a lot of armed narcotics
24 trafficking going on.

25 And then most recently I'm on a task force called

1 CVRP, which stands for Comprehensive Violence Reduction
2 Partnership, and that's a task force that is comprised
3 of the Detroit Police Department. The Michigan
4 Department of Corrections, we have a couple parole
5 officers that are assigned with us. The state police
6 does have a person that's assigned with us, and ATF.
7 And that's the task force I'm currently on.

8 Q. Have you ever taught any classes or trainings
9 regarding gang investigations or undercover operations?

10 A. Yes. I currently teach at our ATF national
11 academy in Glenco, Georgia. I teach gang
12 investigations, RICO enterprise organizations. I
13 actually wrote the PowerPoint to teach the students at
14 the academy.

15 I've also taught gang investigations for the
16 DEA task force officers, and I also have taught several
17 other gang classes for different law enforcement
18 personnel.

19 Q. In addition to those classes that you've done for
20 gang investigations, what about undercover or
21 confidential informants?

22 A. Yes. I have also taught at the ATF national
23 academy on confidential informants, the use of them, how
24 to use them in investigations.

25 I've also helped conduct training for our

1 advanced undercover school that's conducted typically at
2 our ATF national academy in Glenco, Georgia.

3 I've also done undercover classes for Homeland
4 Security investigations and some other local police
5 departments.

6 Q. Now, you mentioned that you've been here in
7 Detroit since 2001?

8 A. Yes.

9 Q. And is it fair to say that the bulk of your work
10 has been in the Detroit area?

11 A. Yes.

12 Q. I believe you mentioned your current specialty or
13 your current focus is gang investigations?

14 A. Yes, that's correct.

15 Q. Was there a point in your tenure with the ATF
16 that you transitioned from I believe the robbery crews
17 and narcotics to more of a gang focus?

18 A. Yes. I would say approximately 2009 is when I
19 kind of transitioned from doing armed narcotics
20 traffickers and robbery crews to focusing more heavily
21 on gang investigations.

22 Q. Why?

23 A. I noticed from investigating the gangs that --

24 MR. NISKAR: Objection, Your Honor.

25 Relevance.

1 THE COURT: How is it relevant?

2 MR. CRALLE: Well, Your Honor, I'm going to
3 get to the background of how he came to investigate the
4 Rollin 60s --

5 THE COURT: You can go straight there.

6 MR. CRALLE: Okay, that's fine.

7 BY MR. CRALLE, CONTINUING:

8 Q. In the course of your investigation or at some
9 point in your career did you begin investigating a gang
10 on the west side of Detroit known as the Bounty Hunter
11 Bloods?

12 A. Yes, I did.

13 Q. And when was that?

14 A. I first learned of the Bounty Hunter Bloods back
15 in 2008, and that's when I started investigating the
16 Bounty Hunter Bloods.

17 I didn't know anything about street gangs at that
18 point, didn't really know how they operated, but that
19 was the first time I actually met a gang member that was
20 a member of the Bounty Hunter Bloods, and he sat down
21 with me and actually told me how the gang operated.

22 He told me about the membership, what areas they
23 were in. That's when I started to learn about the other
24 different gangs that were also operating in Detroit.

25 And specifically, I was still focused in

1 Northwest Detroit, so most of the gangs I was learning
2 about were directly in that area of Detroit.

3 Q. And was it during that period that you
4 transitioned into more of a gang investigation?

5 A. Yes.

6 Q. Before we start talking about the Rollin 60s, I'd
7 like to focus on some of the tools you use to
8 investigate street gangs.

9 What are some of the common ways that -- or the
10 common methods you use to investigate a street gang?

11 A. Surveillance is one way to do the investigations.

12 Q. And what do you mean by that?

13 A. Basically trying to find out where these
14 individuals live. So we'll go out in vehicles, maybe
15 just myself or other team members, go to particular
16 addresses that we believe they are living at, and we
17 will sit out there and hope to see the gang member
18 there, see if there's any type of trafficking that's
19 happening out there, the comings and goings of people.
20 So surveillance is one way that I do that.

21 Another way is, you know, if there's multiple
22 locations at the same time that we have to keep our eyes
23 on, we may use pole cameras where we will actually set
24 up fixed cameras in areas out in public streets that are
25 actually focusing on particular addresses, so we can

1 from our computer sometimes just see what is going on.
2 And that's twofold. I mean it would be because we have
3 multiple locations to look at and sometimes the houses
4 could be on streets where everybody knows everybody and
5 you have trouble sitting and doing surveillance on that
6 location, so it's just easier to not actually be there
7 when you're doing the surveillance.

8 In the past, I've set up a store front in
9 the City of Detroit where I actually owned a business so
10 I could get gang members to come in and out of there and
11 socialize with them so they would think I'm actually a
12 member of the community. So that was one of the ways
13 I've done that.

14 I've also done multiple search warrants on
15 social media accounts where you can actually see the
16 messaging back and forth between the gang members. Not
17 just the messagings that are on the wall that everybody
18 that's their friend can see, but actually the messages
19 that are privately exchanged between the members. So
20 social media search warrants would be another way to
21 investigate.

22 At times I have done undercover where I've
23 been introduced to members of the gang so I could
24 actually purchase firearms or narcotics.

25 And those are all different ways that I've

1 been able to investigate. And obviously those different
2 methods would lead to actual search warrants at people's
3 residences.

4 Q. Have you ever used cooperating witnesses in your
5 investigations?

6 A. Yes.

7 Q. What is a -- well, first, how many investigations
8 have you used a cooperating witness?

9 A. I would say the majority of my proactive
10 investigations we would use cooperating witnesses.

11 Q. Now, what is a cooperating witness?

12 A. A cooperating witness is a person that typically
13 is a member of whatever criminal organization we're
14 actually investigating. So it would be a person that
15 has intimate knowledge of the -- of what the people are
16 doing that we're trying to investigate.

17 Sometimes it would be somebody who has been
18 arrested and has a case that they -- and that's the way
19 we meet them, or other times it's somebody who just,
20 like in the Bounty Hunter gang, for instance, that
21 person who I met who was a cooperating witness that
22 ended up turning into a confidential informant, we did
23 not have a case on him, but he just wanted to get out of
24 the gang, so he agreed to be a cooperating witness with
25 us to actually help us dismantle the organization.

1 Q. Why do you use cooperating witnesses?

2 A. Cooperating witness, because they have intimate
3 knowledge of the gang, they can actually teach you about
4 the gang, they can actually teach you how the gang
5 operates, what crimes they're involved in, where certain
6 persons live, their territory. They can at times make
7 introductions to actually purchase evidence to prove
8 what they're saying is actually true.

9 A Cooperating witness, the reason for using
10 them is they would be able to provide you with
11 information that typically a law enforcement officer
12 would not be able to gain.

13 Without the help of cooperating witnesses,
14 it would be very hard for us to do our job.

15 Q. So they can get more inside an organization and
16 provide real-time intelligence?

17 A. Absolutely. And then if we see things, for
18 instance, on social media, they can actually verify
19 whether or not it's accurate. If we see things on text
20 messaging or have other information, they're the ones
21 that can actually say, you know, it's not just written,
22 that's not just a text message or written down, it's
23 something that actually happened or that is something
24 that actually happened, so they can help corroborate the
25 other information we may have.

1 Q. So they can help determine what's puffery and
2 what's not?

3 A. Absolutely.

4 Q. Walk us through the process of how someone
5 becomes a cooperating witness. And as a backdrop, were
6 there cooperating witnesses used in this case?

7 A. Yes.

8 Q. So walk us through that process, generally
9 speaking, if a person becomes a cooperating witness.

10 A. Well, for instance in this case, I'll use that as
11 an example, we did arrest two individuals that we found
12 in possession of firearms. We sat down with them,
13 interviewed them under Miranda. They gave us
14 statements. One may have -- both of them gave us
15 statements under Miranda. They were then charged or
16 arrested, brought before a magistrate.

17 They received -- they ended up getting
18 attorneys, and at some point we were able to sit down
19 with them and they were able to lay out the organization
20 of the gang further. And then their attorneys and the
21 people we arrested actually agreed at that point that
22 they would help us further our investigation by
23 providing us with additional information regarding
24 members, what the gang is all about, and things of that
25 sort.

1 So at that point --

2 Q. Let me break up a second there.

3 Once a person has been arrested or once they're
4 starting to go down that road of becoming a cooperating
5 witness, are they essentially signed up or is there some
6 sort of process where they come under the fold?

7 A. Not at the initial point, but after you can
8 verify some of the information they're giving you and
9 their attorneys agree to it, at that point -- and after
10 you verified some information, you could then start the
11 paperwork process.

12 And within ATF, we have a process of a form where
13 we actually have to make sure they understand they're
14 not going to become a law enforcement officer, they're
15 not allowed to commit crimes, they're not allowed to do
16 anything without the knowledge of ATF, particularly in
17 this case, I would be the controlling officer, the one
18 that they kept in contact with.

19 So everything that they would do at that point, I
20 would have to have firsthand knowledge of. If they were
21 to go wear a recording device, to go meet with an
22 individual, I would be the one that would be providing
23 them with that.

24 Q. So essentially once they've been signed up,
25 effectively, that's an agreement to let them know what

1 they can and cannot do?

2 A. Correct.

3 They also are aware on this form that they're not
4 allowed to entrap individuals, They're not allowed to be
5 with individuals if they're meeting with their
6 attorneys, that they're not allowed to lie.

7 There's several different things that we have to
8 tell them and they have to sign so they understand that
9 everything has to be on the up-and-up and we have to
10 know about everything and everything that they do is
11 based on us asking them to do that.

12 Q. Do you attempt to corroborate information that
13 cooperating witnesses provide to you?

14 A. Yes.

15 Q. How do you do that?

16 A. One of the ways we did that on this case is we
17 had information about a robbery that took place, so I
18 actually provided a recording device to this cooperating
19 witness and had him go meet with the individual and
20 record a conversation where they were talking about the
21 robbery. So that was one way I was able to corroborate
22 some of the information.

23 Other ways they told us about other
24 instances that happened. One was a fire bombing. Once
25 we got the address to that location, we were able to run

1 police reports and determine that this actually
2 happened. The information they provided was kind of
3 consistent with the police report, and that's how --
4 those are the ways that we would corroborate information
5 that is given to us.

6 Q. Is there anything that you do to try to help
7 maintain the safety of these cooperating witnesses?

8 A. Yes. A cooperating witness would, after we read
9 all that paperwork and they go through the process, we
10 would then assign them a number. And that would be so
11 we could actually, when we're waiting reports, we can
12 put that number in the report instead of using their
13 actual name. So it is a way that we can prevent
14 individuals, once discovery comes out and everybody's
15 reading the police reports, it's a way that somebody may
16 not automatically know who that person is, and it's one
17 of the major ways we protect somebody's safety.

18 I mean if it's found out that they are in
19 jeopardy, and I've had this happen several times, we
20 would do a threat assessment on the individual, and if
21 we have to move them or their family, that is something
22 we would do.

23 Q. Are cooperating witnesses ever paid? Do they
24 ever receive money from ATF?

25 A. Yes.

1 Q. For what?

2 A. Well, in, like for instance in this case, once we
3 sign them up and get them a number, it gives us the
4 ability to actually be able to pay them.

5 One of those reasons and the major reason for me
6 actually paying cooperators in this instance would be I
7 typically work 9 to 5, so I need the cooperators to be
8 available 9 to 5 when I'm investigating. There are
9 times where it causes late hours and weekends to work,
10 but if these cooperators go out and get normal jobs
11 working 9 to 5 where I can never get in contact with
12 them, then that's going to be a problem when I need them
13 to actually do things to help in the investigation.

14 So I try to provide them with money to help
15 sustain them so they can actually continue to live, and
16 that would be the major factor on why I would pay them.

17 Q. How are they paid, money?

18 A. It's just cash. Yes, US currency.

19 Q. But you keep track of it?

20 A. Yes, I do. They have to sign a receipt that said
21 they received this money.

22 Q. And are there limitations on how the money can be
23 used?

24 A. On how it can be used? If we provide them with
25 subsistence, they're allowed to use that money, I guess,

1 any legal way they determine.

2 Q. So this is fairly routine is what it sounds like?

3 A. Yes.

4 Q. Now, we've talked about cooperating witnesses.

5 Is there a distinction between cooperating witness and a
6 cooperating defendant?

7 A. Yes. A Cooperating defendant, which we have
8 several in this case, is an individual that actually is
9 arrested, is facing charges, we sat down with their
10 attorney to discuss what they know about the gang, just
11 like a cooperating witness, but there's a determination
12 made that they will not be an informant and they will
13 not go out and do purchases or things of that sort. So
14 it's somebody who's just providing information.

15 And one of the reasons I would have a cooperating
16 defendant as opposed to a cooperating witness would be
17 if the person has already been charged and people are
18 starting to cooperate, it would be almost -- you would
19 have to assume that if I sent them out there trying to
20 make recordings or make buys when they have -- when it's
21 known to the entire gang that they have a federal
22 indictment hanging over their head, especially with a
23 charge like this, which is RICO, that it would be
24 unusual for them to go out and do those things, so I
25 believe I would be putting them in jeopardy.

1 So at that point I would just take the
2 information they're providing me, even if it's just
3 historical information, and try to track down crimes
4 that have happened based on that.

5 Q. So it sounds like the main distinction is a
6 cooperating defendant is providing historical
7 information?

8 A. Correct.

9 Q. And a cooperating witness could provide
10 historical or future information?

11 A. Correct, because cooperating witnesses in this
12 case, the two I mentioned, ended up becoming cooperating
13 or confidential informants, and they were still at a
14 point where they could go out and meet with individuals
15 and they were on bond and it was a -- they were arrested
16 for felon in possession so it wasn't as serious of a
17 case since members of the gang were getting arrested all
18 the time.

19 Q. Now, we talked it's about in approximately 2008
20 you were investigating a group known as the Bounty
21 Hunter Bloods.

22 A. Correct.

23 Q. And that was a street gang of some sort?

24 A. Yes. It was a Bloods street gang that originated
25 from California, specifically Los Angeles.

1 Q. But there was a set here in Detroit?

2 A. That's correct.

3 Q. And in the course of your investigation of the
4 Bounty Hunter Bloods, did you also become aware of
5 another group here in Detroit known as the Rollin 60s
6 Crips?

7 A. Yes. During that investigation, I did notice
8 that the Bounty Hunter Bloods, even though typically
9 Bloods and Crips don't get along, the Bounty Hunter
10 Bloods created an alliance with the Rollin 60s Crips to
11 where they would actually be aligned together instead of
12 having a, I guess, conflict between the two.

13 Q. Nationally Bloods and Crips are rivals?

14 A. Correct.

15 Q. But you're saying here in Detroit at least this
16 group of Crips and this group of Bloods had an alliance?

17 A. Correct. The Bounty Hunter Bloods and the Rollin
18 60s Crips are both gangs that originate in Los Angeles,
19 California, and in California, these gangs would not be
20 in an alliance, but here in Detroit, they are actually
21 in an alliance.

22 Q. Now, you mentioned that you became aware of this
23 through your investigation with the Bounty Hunter
24 Bloods.

25 Specifically was that through talking with

1 people, was that through social media? How did you
2 learn of the Crips?

3 A. There was multiple different ways. The
4 individual that was a member of the gang that I first
5 met that was a Bounty Hunter Blood, he was somebody who
6 told me about this alliance. So that was the first I
7 actually heard about it.

8 Once I started investigating the gang further,
9 actually -- through actual surveillance, I learned that
10 the Bounty Hunter leader, Romaia Jefferson, actually
11 lived at one point with the main leader of the Rollin
12 60s Crips, Jerome Hamilton, on a street called Lenore.

13 I also learned through social media postings
14 where they were talking back and forth with each other
15 that they definitely worked together and were in an
16 alliance.

17 Q. Was there a name for this alliance?

18 A. Yes, it was called the 7654.

19 Q. Now, at some point did you shift your focus from
20 the Bounty Hunters to the Rollin 60s?

21 A. Yes.

22 Q. About when did you start that?

23 A. Once I started getting towards the end of the
24 Bounty Hunter investigation, I was putting all of my
25 time into that, I started to have -- once we were

1 waiting for the time to start the indictments and
2 getting to that point, I got a little freed up to start
3 looking into other investigations so it made sense,
4 based on the contact between the Bounty Hunters and the
5 Rollin 60s and the fact that they were working together
6 that I started focusing on the Rollin 60s. And that was
7 primarily -- that was in the beginning, maybe springtime
8 of 2013.

9 Q. Now, in the beginning of your investigation, did
10 you speak with a confidential informant about the Rollin
11 60s?

12 A. Yes. I was in California and did meet with an OG
13 at the time. The older members went by Original
14 Gangsters.

15 Q. Let's break that down in case other people aren't
16 familiar.

17 When you say the term "OG," what does it mean?

18 A. It means original gangster.

19 Q. So you met with an OG in California?

20 A. Yes, who was a verified member of the Rollin 60s
21 Crips, one of the original members.

22 Q. Was this in a -- what sort of capacity was this
23 person providing this information to you?

24 A. He was a confidential informant at that point.

25 Q. So we've talked about a cooperating witness and

1 we've talked about a cooperating defendant. We haven't
2 talked about confidential informants.

3 Briefly, what is the distinction between a CI, if
4 you will, versus those cooperators?

5 A. Well, the confidential informant, and we touched
6 on it a little bit because the confidential witnesses
7 are turned into confidential informants. This
8 individual it was basically the same way. I learned
9 that he was an original member of the Rollin 60s Crips.
10 He had been caught and arrested and convicted of doing a
11 bank robbery with members of the Rollin 60s. And after
12 he got out of prison, he then decided to work for law
13 enforcement.

14 He did provide information to law enforcement at
15 the time of his arrest to, I guess, make sure he didn't
16 go to prison as long as he would have went to prison
17 for. So then he once he got out, he decided to work for
18 law enforcement.

19 Q. And so as a CI, or a confidential informant, he
20 provided information but would not be called upon to
21 testify?

22 A. He provided information and he did testify -- as
23 a confidential informant, correct. Typically you would
24 hope that they would have to be called to testify. In
25 his original case, it was my -- it was told to me that

1 he did testify, and at that point he was a cooperating
2 defendant.

3 Q. But in the capacity that you spoke with him, it
4 was simply to provide background information?

5 A. Correct.

6 Q. Now, this confidential informant, you simply know
7 him by a number; is that right?

8 A. Yes, he just had a number.

9 Q. And what sort of information did that individual
10 provide to you?

11 A. He provided me -- he provided background
12 information.

13 MR. NISKAR: Your Honor, I'm going to
14 object. I think it's hearsay. It's not part of
15 801(d)(2)(e), and I'd object based upon relevance to
16 whatever this other person told him.

17 MR. CRALLE: Your Honor, I can provide
18 additional foundation if you would like, but this
19 provides the backdrop to the next area we're going to
20 talk about as to what he knows what to look for in the
21 course of his investigation.

22 MR. NISKAR: It's for the truth of the
23 matter asserted then and it's hearsay.

24 THE COURT: Sounds like it, Counsel. He can
25 tell us what he did as a result of that.

1 MR. CRALLE: That's fine, Your Honor.

2 BY MR. CRALLE, CONTINUING:

3 Q. Based on the information that you obtained from
4 this CI or this confidential informant in California,
5 you did come back to Detroit to look for things such as
6 gang tags and certain colors and other things of that
7 nature?

8 A. Yes. Based on that conversation I had with the
9 confidential informant, that was a, I guess, a former
10 member of the Rollin 60s Crips, based on that
11 information I got, I knew how the Rollin 60s operated,
12 what their colors were, what their gang initiations
13 were, how they protected their territory and knew about
14 different lines, so I knew about meetings.

15 I had learned about several different things
16 related to the Rollin 60s Crips that made me decide to
17 actually investigate the Rollin 60s here in Detroit.

18 Q. So in your investigation of the Rollin 60s Crips
19 here back in 2013, were you able to identify a
20 discernible territory for the organization?

21 A. Yes.

22 Q. And how did you go about doing that?

23 A. At that time I actually drove around looking for
24 gang graffiti, looking for also known as tags to kind of
25 figure out where the territory was.

1 I also did Facebook search warrants on
2 individuals that I had identified. And in some of those
3 Facebook search warrants, it indicated where the
4 territory was, which also helped me figure out where to
5 drive and where to possibly find the gang graffiti.

6 MR. CRALLE: Your Honor, may I approach?

7 THE COURT: Yes, you may.

8 Q. Agent Nether, you've just been handed an item
9 marked proposed Government's Exhibit 1. Do you
10 recognize this item?

11 A. Yes, I do.

12 Q. What is it?

13 A. It's a map near Seven Mile and the Lodge area,
14 Seven Mile and Tracy where their main territory for the
15 Rollin 60s would be. So this is a map with a red line
16 basically encompassing their main territory.

17 Q. And you recognize this as a part of Detroit and
18 you recognize this as part of the Rollin 60s' territory?

19 A. Yes, this is on the west side of Detroit. And I
20 do recognize this as the main hub, so to speak, for the
21 Rollin 60s Crips' territory.

22 MR. CRALLE: Your Honor, I move to admit
23 Government's Exhibit 1.

24 MR. NISKAR: No objection.

25 MR. BERGER: No objection.

1 THE COURT: It's admitted as Exhibit 1.

2 MR. CRALLE: Your Honor, I would like to
3 publish Government's Exhibit 1, but I believe the TVs
4 might be off.

5 THE COURT: I'm going to let the jury step
6 down while we fix the technical difficulties.

7 (Whereupon the Court was in recess at 2:55
8 p.m.)

9 * * * * *

10 (Whereupon the Court was back in session at
11 3:07 p.m.)

12 THE COURT: Are you satisfied the Jury is
13 present and properly seated?

14 MR. CRALLE: Yes, Your Honor.

15 MR. NISKAR: Yes, Your Honor.

16 MR. BERGER: Yes, Your Honor.

17 THE COURT: You're still under oath, sir.

18 THE WITNESS: Yes, Your Honor.

19 BY MR. CRALLE, CONTINUING:

20 Q. Agent Nether, before the break, I believe we were
21 talking about Government's Exhibit 1.

22 Now that this is on the screen, can you describe
23 what this is, please?

24 A. This is a map on the west side of Detroit showing
25 the main territory, main identified territory of the

1 Rollin 60s Crips.

2 Q. And for those of us that may not be familiar with
3 the City of Detroit, can you give us a perspective as
4 far as where this is?

5 A. The main territory happens to be just east of the
6 Lodge Freeway off of Seven Mile, and you will see where
7 it says John C. Luger Park, which they actually call it
8 Tracy Park because it's off of Tracy right off of Seven
9 Mile.

10 Q. The boundaries here, they're marked in red; is
11 that right?

12 A. Yes, that's correct.

13 Q. What's the top street?

14 A. The top street is Seven Mile.

15 Q. That's Seven Mile. What's the far right line?

16 A. The far right line is Wyoming.

17 Q. And the bottom?

18 A. The bottom would be the Lodge Freeway -- not the
19 bottom. That would be Six Mile or McNichols.

20 Q. And then on the left?

21 A. The left would be John C. Lodge Freeway.

22 Q. Now, was this the exclusive territory of the
23 Rollin 60s, and by that I mean did they operate only in
24 this area?

25 A. No.

1 Q. Did they operate elsewhere within in the City?

2 A. Yes.

3 Q. But was this the core area?

4 A. Yes, this was the main area.

5 Q. Now, how did you go about identifying this area
6 depicted in the map in Exhibit 1 as the territory of the
7 Rollin 60s in Detroit?

8 A. Per the social media search warrants that I did,
9 I was able to -- some of the members were stating where
10 the territory was, so I utilized that area to kind of
11 help me when I was driving around looking for gang
12 graffiti. I did that without the social media search
13 warrants as well, but that did help me as well because
14 there were several different times that I actually drove
15 out looking for the gang graffiti.

16 So between just driving around and using the
17 social media to help identify the territory, that is how
18 I figured out where their main hub or main territory
19 was.

20 Q. Now, let's focus on this area here (indicating).
21 You've alluded to this a number of times.

22 At some point did you drive around the perimeter
23 of this territory and look for any gang graffiti related
24 to the Rollin 60s?

25 A. Yes, I did, a couple different times.

1 MR. CRALLE: Your Honor, may I approach?

2 THE COURT: You may.

3 BY MR. CRALLE, CONTINUING:

4 Q. Agent Nether, I've handed you what's been marked
5 as Government's proposed Exhibit 7 through 7-F. Please
6 flip through those and let me know when you're done.

7 A. Yes, I recognize them.

8 Q. And we'll talk about the specific contents of
9 each one in a moment, but what do you recognize these
10 items as?

11 A. These are photographs of Rollin 60s gang graffiti
12 that I took photographs of.

13 Q. These are actual pictures that you took?

14 A. Yes.

15 Q. And approximately when did you take them?

16 A. I would say May, June, August, October of 2013.

17 Q. And do those pictures fairly and accurately
18 depict the gang graffiti as you can recall from back in
19 May through October of 2013?

20 A. Yes.

21 MR. CRALLE: Your Honor, at this time the
22 Government would move to admit Government's Exhibit 7
23 through 7-F.

24 THE COURT: Any objection?

25 MR. NISKAR: No objection.

1 MR. BERGER: No objection.

2 THE COURT: Mine starts with B. Is that
3 right?

4 MR. CRALLE: It is not, but I will get 7 for
5 you.

6 THE COURT: Maybe I have another page stuck
7 to it.

8 MR. NISKAR: I have no objection to 7
9 through 7-F.

10 THE COURT: What about you, Mr. Berger?

11 MR. BERGER: The same, Your Honor.

12 THE COURT: Very well, they're admitted.

13 MR. CRALLE: Thank you.

14 BY MR. CRALLE, CONTINUING:

15 Q. If you can pull up Exhibit 7.

16 Agent Nether, you took this picture of
17 Exhibit 7?

18 A. Yes, I did.

19 Q. What is this a picture of?

20 A. This is on Lindsey Street and Seven Mile.

21 Q. Lindsey Street and Seven Mile, again in Detroit?

22 A. Yes, in Detroit.

23 Q. And you said this is graffiti related to the
24 Rollin 60s?

25 A. Yes.

1 Q. How?

2 A. Where it says "Free Staccs," "Staccs" was the
3 leader of the Rollin 60s, Jerome Hamilton. So based on
4 the fact that it says "Free Staccs," I believed that to
5 be Rollin 60s graffiti. Not to mention on the
6 right-hand side it says, "RSC," which stands for Rollin
7 60s Crips.

8 So based on that, these were Rollin 60s Crips'
9 gang graffiti.

10 Q. Based on your investigation and well as the
11 information you obtained from the confidential informant
12 in California, did you learn that RSC is a common
13 shorthand for Rollin 60s Crips?

14 A. Yes, I did.

15 Q. And based on your investigations in gangs over
16 your 16-year career, is it common to see "free" before
17 someone's name where someone's been incarcerated?

18 A. It's very common. Every time individuals in
19 gangs get locked up, I've always seen the other members
20 posting things or putting up gang graffiti or wearing
21 shirts that say free that individual.

22 So "free Staccs" would be typical of every gang
23 that I've investigated or have knowledge of.

24 Q. Turn to Exhibit 7-A, please.

25 Agent Nether, you also took this picture of

1 Exhibit 7-A?

2 A. Yes, I did.

3 Q. Where did you take this picture?

4 A. That was at Strathmore and Seven Mile in Detroit.

5 Q. And this was in 2013?

6 A. Yes.

7 Q. And what led you to conclude this was related to
8 the Rollin 60s Crips?

9 A. Based on the six-zero with the dollar sign, 60s,
10 I also learned from meeting with the confidential
11 informant in L.A., as well as some of the things I saw
12 on social media, that 60s was related to Rollin 60s
13 Crips, and not to mention the "S" is actually a dollar
14 sign which related to the Rollin 60s as well.

15 A lot of the time when they have an "S" they will
16 have it as a dollar sign because one of their slogans is
17 Rich Rollin.

18 And then I also noticed the words "B" which
19 it has an X through it, because, you know, Crips don't
20 use the word "B." So it says "BK" and then there's an
21 "M," which I knew what "BK" and "M" stood for based on
22 social media and speaking with other individuals in the
23 gang.

24 Q. That's affiliated with the gang as well?

25 A. Correct.

1 Q. Turn to Exhibit 7-B, please.

2 Agent Nether, you also took this picture?

3 A. Yes.

4 Q. And where did you take it?

5 A. I took this at Stahelin and Seven Mile.

6 Q. And what led you to conclude that this was
7 related to the Rollin 60s Crips?

8 A. Well, in the top left corner, it has "BK" again,
9 which Crips typically put a "K" after the "B," and
10 there's also an X through the B. So that made me
11 believed it was Crips related.

12 Then there's the "RSC" and the "S" has the dollar
13 sign through it.

14 Then there's also "Crips 60s," and as I stated,
15 the 60s would be related to Rollin 60s.

16 And then below it says "Vicious," and in spelling
17 the word "Vicious," it has six-zero utilized to spell
18 the word "Vicious," and the "S" on the far right also
19 has a dollar sign, and "Vicious" is one of the members
20 of the Rollin 60s Crips.

21 Q. So you came to know that "Vicious" was a member
22 of the Rollin 60s here in Detroit?

23 A. Yes.

24 Q. Did you also learn that "BK" was a Rollin 60s
25 Crip?

1 A. There was a Rolling 60s that went by "BK," yes.

2 Q. Agent Nether, I notice in this picture the
3 graffiti itself is in blue. Is that significant in any
4 way?

5 A. Yes. One of the colors for the Crips and Rollin
6 60s is blue.

7 Q. But I also notice that it is effectively crossed
8 out, if you will, in red. Is there any sort of
9 significance with that?

10 A. Yes. This would show that their -- red is a
11 color for the Bloods gang. So looking at this gang
12 graffiti and showing that red is crossing out "60s" or
13 putting lines through things that are Crip related, is
14 showing that a member of the Bloods would have crossed
15 that out because there would be another gang possibly in
16 this same area. So they're trying to have a struggle
17 for whoever is owning this territory right here.

18 Q. Before turning to the other exhibits, you touched
19 on something here.

20 Are gang graffiti used to delimit one area of
21 territory between two organizations?

22 A. Yes.

23 Q. And where there is maybe not a clear demarcation
24 between those areas, between those groups, is it common
25 to see this sort of crossing out?

1 A. Yes, because actually where this tag, this gang
2 graffiti was actually at, Seven Mile and Stahelin, is
3 actually also the main territory for a Bloods gang in
4 Detroit as well.

5 So a lot of the times I noticed when I was
6 investigating this gang as well as the other gang, the
7 Bounty Hunters, and some of the other gangs that I've
8 done, when the territories meeting up against each other
9 that's typically where you would see different gangs
10 crossing out the other gang's graffiti.

11 Q. And, in fact, if you look at the 20s on the
12 left-hand side of the screen, was that crossed out with
13 blue?

14 A. Yes. If you notice all the way to the left, it
15 says "Rollin 20s" and it's both in black spray paint,
16 which would make me believe it does say "Rollin 20s"
17 together, and that's actually crossed out by the blue
18 spray paint which seems to be the same blue spray paint
19 as the Rollin 60s Crips.

20 Q. If we can turn to Exhibit 7-C, please.

21 And again, this picture, you took this?

22 A. Yes.

23 Q. Where?

24 A. I believe this building was 15011 Wyoming, and
25 this is where this tag was, this gang graffiti was.

1 Q. Is this in the City of Detroit?

2 A. Yes, it is.

3 Q. On the northwest side?

4 A. Yes.

5 Q. And what led you to conclude that this was also
6 related to the Rollin 60s Crips?

7 A. I noticed that a lot of the members of the Rollin
8 60s would say 20-20. There was even a video that I saw
9 where one of the members, William Steele, actually said
10 "20-20 money gang."

11 So based on the fact that this says 20-20 and it
12 says Seven Mile, which is the territory for the Rollin
13 60s, I concluded that this was Rollin 60s related.

14 Q. And on the right-hand side of this graffiti, are
15 there a number of six-zero, six-zero, six-zero?

16 A. Yes.

17 Q. Does that also go to your conclusion?

18 A. Yes. I mean the 60 would be related to Rollin
19 60s so it also was a possibility that that was saying,
20 like you said, six-zero, six-zero, six-zero.

21 Q. And on the left-hand side again we see, I believe
22 it says "NFL Linwood"; is that correct?

23 A. Correct. I've heard of NFL. I cannot at this
24 point remember what NFL stands for, but it is a clique,
25 not particularly an actual street gang, per se, a

1 traditional street gang that has connections out of
2 state, but NFL did belong to another crew of
3 individuals.

4 Q. And again crossed out with the blue?

5 A. Correct.

6 Q. If we can turn to Exhibit 7-D, please.

7 Agent Nether, did you take this picture?

8 A. Yes, I did.

9 Q. Where?

10 A. This was on Vaughn Street and Seven Mile, on the
11 south side of the -- south side of Seven Mile.

12 Q. And what led you to conclude that this was
13 related to the Rollin 60s Crips?

14 A. Based on at the top it says "60s," which I said
15 is related to the Rollin 60s, and then there is a "Rich
16 Rollin" directly underneath it, which is one of the
17 slogans of the Rollin 60s.

18 And to the left, it says in black ink, it says --
19 you'll notice that it says "Rocket" and it's actually
20 crossed out in blue, and then "Rocket" is in black, but
21 underneath it it says "Tre Killers."

22 Q. When you say "Tre killers," you're talking about
23 the "TR 33" on the left?

24 A. Yes. The 33 is related to the 33rd Playboy
25 Gangster Crips and "Rocket" is a member of the Playboy

1 Gangster Crips.

2 So the Playboy Gangster Crips in California, all
3 gangster Crips are enemies of neighborhood Crips, and
4 Rollin 60s are neighborhood Crips.

5 Q. Let me break that down a second.

6 So it's not that a Crip is a Crip is a Crip?

7 A. Correct.

8 Q. So it's not so easy as Bloods don't like Crips?

9 A. Correct.

10 Q. It's also that Bloods don't like Crips and some
11 Crips don't like other Crips?

12 A. Correct.

13 Q. So in this context, the Playboy Gangster Crips
14 are rivals with the Rollin 60s Crips; is that correct?

15 A. Correct. They are rivals in California, and
16 based on the rivalry in California, the fact that
17 they're enemies in California, that rivalry pays itself
18 out here in Detroit as well.

19 Q. Because they're rivals in California, they have
20 to be rivals here?

21 A. Correct.

22 Q. I'm sorry, you were explaining the TR 33 and what
23 that means.

24 A. So because it says "Tre killers," Playboy
25 Gangster Crips are also unknown as Tres, and that's

1 because the 33 stands for 33rd, which is associated with
2 a street in California where the Playboy Gangster Crips
3 are from.

4 So that is why the blue spray paint would say Tre
5 Killers as in they would kill the Playboy Gangster
6 Crips.

7 Underneath that it says "N-hood," which is
8 just short for neighborhood, and you would notice that
9 instead of the two "0s" they have six-zero to spell out
10 hood so that would be neighborhood.

11 And you'll also notice that there is a "K"
12 after the "H" and a "K" after the "D," and that would be
13 because those can be related to other gangs.

14 Q. And then beginning on the right, is that the word
15 "Vicious"?

16 A. Right. On the right again I see the word
17 "Vicious" spelled the same way it was on the other gang
18 graffiti with a six-zero helping to spell out the word
19 "Vicious" with the "S" having a dollar sign.

20 And then above that, I actually see tears,
21 "T," "III" backwards, "VBZ," which actually spells
22 "tears," which is also a member of the Rollin 60s Crips,
23 that's an incarcerated member.

24 And then to the left of that, you'll see
25 that there's something else that says "33rd" or "33."

1 The stuff in black ink is related to the Playboy
2 Gangster Crips, and that says "33" again which would be
3 related to the Playboy Gangster Crips.

4 Q. Let's turn to Exhibit 7-E.

5 Agent Nether, did you take this picture as well?

6 A. Yes, I did.

7 Q. Where did you take this picture?

8 A. I'm having trouble remembering exactly where I
9 took this picture.

10 Do you mind if I refer to my report?

11 Q. Not at all.

12 And just to provide some context, Agent Nether,
13 when you would take these pictures when you were out
14 surveilling and looking at the graffiti, would you write
15 reports afterwards?

16 A. Yes, I would, which would have the location
17 because I took probably a hundred photos so it would be
18 hard to remember where the photo was taken.

19 Q. Just generally speaking, what's the purpose of
20 writing a report like that?

21 A. To refresh my memory down the line so I could
22 remember where I took the photograph.

23 MR. CRALLE: Your Honor, may I approach?

24 THE COURT: You may.

25 BY MR. CRALLE, CONTINUING:

1 Q. Without reading from the report, does that report
2 refresh your memory?

3 A. Yes, it does.

4 Q. Where did you take this picture?

5 A. At Margarita and Schaefer in the City of Detroit.

6 Q. And for those of us not familiar with the City of
7 Detroit, where would that be?

8 A. Still on the west side of Detroit. It would
9 still be close to the territory of the Rollin 60s Crips.

10 Q. And what led you to conclude that this graffiti
11 was related to the Rollin 60s Crips?

12 A. Based on the fact that it says "RSC," the "S"
13 seems to be in a dollar sign even though it only has one
14 line through it, and then it says "60s," that would tend
15 to make me believe this was Rollin 60s related Crips.

16 Q. In this picture it looks like the blue "RSC 60s"
17 has been crossed out by a lot of red writing.

18 A. Correct.

19 Q. And again, is that an indicator of the two rival
20 groups?

21 A. Yes. I mean the red ink would be more Blood
22 related and, you know, Schaefer would be towards the end
23 of territory for Rollin 60s Crips. So it wouldn't be
24 unusual that this would be the area, just like I said,
25 Seven Mile and Stahelin, that there would be an issue

1 and possibly other gangs trying to cross out the Rollin
2 60s territory, or Rollin 60s' gang graffiti is what I
3 should have said.

4 Q. Can we have 7-F, please.

5 Agent Nether, did you take this picture as
6 well?

7 A. Yes.

8 Q. And what led you to conclude this was Rollin 60s
9 Crips related?

10 A. Based on the fact that it says "Rollin 60s Crips"
11 and the fact that "C Nice," it says "RIP C Nice," was a
12 deceased member in the gang, and the fact that it's in
13 blue and the way it's written all made me believe it was
14 Rollin 60s Crips gang graffiti.

15 Q. In other words, this was a memorial, if you will,
16 to a deceased Rollin 60s named "C Nice"?

17 A. Correct.

18 Q. Agent Nether, and I believe you alluded to this
19 earlier, were these all the pictures that you took?

20 A. No, I took a lot more.

21 Q. So this is just a representative sample?

22 A. Yes.

23 Q. And did you see graffiti only in the City of
24 Detroit or did you see it outside of Detroit as well?

25 A. I saw it outside of the city. I saw it -- I know

1 I saw gang graffiti that said "60s" in Ecorse. So there
2 were Rollin 60s that lived outside of the main
3 territory, and I did identify some Rollin 60s that lived
4 even outside of the City of Detroit as well.

5 Q. In other words, you don't have to be in Detroit;
6 that is not the only base of operations, if you will?

7 A. No. It is the main territory where the gang was
8 believed to have started, but several of the members to
9 include Jerome Hamilton, which was the main leader of
10 the Rollin 60s, lived in Atlanta, and would just come
11 into town, you know, frequently enough for just
12 sometimes.

13 Q. Now, we talked about the gang territory on the
14 west side of Detroit. And again, for those of us that
15 may not be familiar with Detroit, you keep saying the
16 phrase "west side," and there's also an east side, if
17 you will.

18 A. Correct.

19 Q. Where is the dividing line there? What is west
20 side versus east side in Detroit mean?

21 A. It's just a side of the city. I mean there's an
22 east side of the city and west side of the city, there's
23 a southwest area of the city.

24 So even though the main hub of the Rollin 60s was
25 on the west side, they would still have members that

1 they would make part of the gang that lived on the east
2 side of the city as well.

3 Most of the members would be on the west
4 side, but they were always adding new members.

5 So the east side, even though it was
6 smaller, I did find some gang graffiti I believe near
7 like Connor and the Ryan area on the east side of
8 Detroit.

9 Q. And, in fact, during the course of your
10 investigation, did you also learn that there were Rollin
11 60s members in Canada as well?

12 A. Yes. I did find one member that lived in Canada.

13 Q. Now, you've alluded to or you've referenced a
14 number of rivals. Did the Rollin 60s here in Detroit
15 have rivalry with other gangs?

16 A. Yes.

17 Q. What are some examples? What were the primary
18 rivals?

19 A. The primary rival is what I mentioned earlier,
20 which was the Playboy Gangster Crips, known as PBGC.
21 That was one of the main rivals because they are
22 gangster Crips which is totally different than
23 neighborhood Crips. They actually even have a different
24 ranking system.

25 They were also rivals of Hoover Crips, and

1 that's why after the letter "H" they would put a "K"
2 after it, because the "K" means killer in Crips'
3 language, so the Hoover Crips are also gangster Crips
4 which would be Hoover Gangster Crips or HGC.

5 They were even rivals with Skyline Pirus
6 which is a Bloods set.

7 Q. And let's make that easy for the court reporter.
8 How do you spell Piru?

9 A. P-i-r-u.

10 Q. You said that's a Bloods set?

11 A. Yes. Pirus are the original Bloods set. The
12 original Bloods set was called a Piru. The name changed
13 once they started having subsets to just Bloods after
14 that, but the Pirus continued to keep the Piru in their
15 name.

16 Q. In addition to other rival gangs, if you will, I
17 believe you mentioned that they also had rivalries with
18 cliques?

19 A. Yes. They would have -- there was a rivalry that
20 they had with Band Crew, and Band Crew is another, I
21 would call it a clique, or it is a gang but it's not a
22 traditional street gang in the sense of its having
23 origin out of state, so it didn't have origins from
24 California.

25 Band Crew is just something that was more of a,

1 I guess, a neighborhood type thing where they might not
2 have had bandanas and beads and things of that sort, and
3 the ranking systems would be different as well.

4 Q. In the course of your investigation, were you
5 able to identify a discernible structure that the gang
6 used within its -- to organize its membership, if you
7 will?

8 A. Yes.

9 Q. And how was that done?

10 A. The first way I was able to determine the ranking
11 system was through social media. The members would
12 actually put what their rank was in the gang, and that
13 is how I learned about that.

14 That is also how I learned how it was different
15 than the different types of Crips sets, like the
16 Gangster Crips have a different type of ranking system.
17 Social media was the initial way that I learned about
18 it.

19 And then after arresting -- when I said I
20 arrested two cooperating defendants, that would have
21 been Carlos Woodley and Anthony Weaver, and those
22 individuals were also able to tell me about the ranking
23 system, so they were able to verify the information I
24 had.

25 Q. Now, when you say "ranking system," do you mean

1 like a traditional hierarchical organization?

2 A. Yes.

3 Q. So there's someone in charge of someone else?

4 A. Yes.

5 Q. And effectively just goes down a hierarchical
6 line?

7 A. Correct.

8 Q. In fact, did the Rollin 60s organize itself by
9 lines?

10 A. Yes, they did.

11 Q. And did you learn that that is a common
12 organization method not only here in Detroit but
13 nationwide?

14 A. Yes, absolutely, even with different gangs.

15 Q. So what is a line?

16 A. A line is a group of gang members that might be
17 in a particular area that has their -- they have the
18 ranking system within that particular line. So there
19 would be somebody in charge of the line that would be
20 the highest ranking person all the way down to the
21 lowest ranking person of that line, and basically that
22 would be a lot of the times for a certain area.

23 So like in this case, you would have lines on the
24 west side of Detroit, you may have a line on the
25 eastside of Detroit.

1 Q. And in a company, you may have a marketing line
2 or a finance line, if you will. How were lines tracked
3 or how were they characterized within the Rollin 60s?

4 A. They were characterized by a particular name. So
5 each line had its own name. So you could tell based on
6 the name who the controlling person was in that line,
7 and you would also be able to tell based on individual
8 names which line they belonged to.

9 Q. And in the course of your investigation, were you
10 able to identify members of the Rollin 60s here in
11 Detroit?

12 A. Yes.

13 Q. How?

14 A. I was able to identify them through social media,
15 through police reports, through IP addresses that I was
16 able to gain through the social media, through
17 cooperating or confidential informants that were the
18 cooperating Defendants, Anthony Weaver and Carlos
19 Woodley. That is how I was able to identify the members
20 of the gang.

21 Q. Now, we haven't talked about police reports yet.
22 In the course of your investigation, did you go out and
23 essentially pull police reports of people that you felt
24 might be involved with Rollin 60s?

25 A. Yes. Once I identified a member of the gang, I

1 would then run their criminal history to try to find out
2 every time they've been arrested.

3 Once I would find the dates where they -- when
4 they've been arrested and I found the police department
5 that arrested them, I would then attempt to locate those
6 police reports.

7 Q. What is the purpose of this?

8 A. The purpose would be to find out what crime they
9 committed so I could get a sense of what type of crimes
10 the Rollin 60s were committing. So that would be one of
11 the things.

12 I would also look at the police reports to see if
13 there was any evidence confiscated, like whether or not
14 they were arrested with a gun or drugs that may have
15 been packaged for sale.

16 I would also see if maybe they were arrested with
17 a cellphone, because if there were those things I may go
18 to that police department and try to take it in custody
19 if they no longer needed it. One of the other reasons
20 to pull the police reports were it could help identify
21 additional members.

22 So typically I would notice that when a member
23 would get arrested, you know, sometimes or more often
24 than not they would be with another gang member, so then
25 I could, you know, see that other name and then look

1 into that person's history to get a photograph of them
2 and possibly match that photograph to some social media
3 pictures to see if I could identify this other person as
4 a member of the gang.

5 And then if I am able to identify that person as
6 a member of the gang, the process would start all over
7 where I would run their criminal history and obtain all
8 their police reports.

9 Q. And in the course of doing that effectively,
10 you're able to take a big picture view of everything
11 that's being done by a people?

12 A. Correct. I wanted to see, based on the
13 identified members, which -- what crimes that these
14 members were committing so I could find out what their
15 main crime was, what possibly their source of income
16 was. It was a way to figure out the totality of what
17 has been going on with this gang. And actually, I would
18 go back several years so I could figure out how often
19 this gang has been involved in these different
20 activities for how many years.

21 MR. CRALLE: Your Honor, may I approach?

22 THE COURT: You may.

23 BY MR. CRALLE, CONTINUING:

24 Q. Agent Nether, I just handed you what's marked as
25 Government's Exhibit 2 through 2-E. Do you recognize

1 these items?

2 A. Yes, I do.

3 Q. 2-E is the last one, right?

4 A. Yes, 2-E is the last one.

5 Q. What are these items?

6 A. These are photographs of members of the Rollin
7 60s Crips, identified members.

8 Q. And are you familiar with each of the individuals
9 in these separate exhibits?

10 A. Yes, I am.

11 Q. And have you met many of the people there such
12 that you could identify them?

13 A. Yes. I've probably sat in front of most of these
14 individuals, yes.

15 MR. CRALLE: Your Honor, at this time the
16 Government would move to admit Government's Exhibit 2
17 through 2-E.

18 THE COURT: Any objection?

19 MR. NISKAR: No objection.

20 THE COURT: Mr. Berger?

21 MR. BERGER: No.

22 THE COURT: Very well, Exhibits 2 through
23 2-E are admitted.

24 BY MR. CRALLE, CONTINUING:

25 Q. Thank you.

1 If we could start with Exhibit 2, please. Agent
2 Nether, who is -- first of all, what is Exhibit 2?

3 A. This is a -- these are driver's licenses or IDs
4 of Martel Strong on the left and William Steele on the
5 right.

6 Q. Exhibit 2-A, what's the difference between this
7 exhibit and Exhibit 2?

8 A. Just the fact that it appears to have the names
9 below the photographs.

10 Q. So that's Mr. Strong on the left?

11 A. Correct.

12 Q. And in the course of your investigation, did you
13 learn that he also went by the nickname "Bang-em"?

14 A. "Bang-em" or "Bang-em Tel." I've also heard him
15 just called "Tel."

16 Q. "Tel" being short for Martel?

17 A. Yes.

18 Q. And on the right, is that a picture of William
19 Steele?

20 A. Yes, that's correct?

21 Q. And in the course of your investigation, did you
22 learn that he also went by the name "Shotti"?

23 A. Yes.

24 Q. As well as "Little Fatal"?

25 A. Yes.

1 Q. If we can move to Exhibit 2-B, please.

2 Have you met all of the individuals depicted in
3 this photo?

4 A. Yes, I have.

5 Q. And if we can move to Exhibit 2-C, the difference
6 here being that each of those pictures is identified
7 with the name; is that right?

8 A. That is correct.

9 Q. Let's start with the upper left-hand corner. Who
10 is this?

11 A. That is Jonathan Barber, known as "Looni," also
12 "Big Bonehead."

13 Q. He went by the name "Big Bonehead"?

14 A. Most of the time he went by "Looni," but he was
15 in charge of the Bonehead line, so he was also known as
16 "Bonehead," "Big Bonehead."

17 Q. And to the right of Jonathan Barber, who is this?

18 A. That is Sadeisha Johns. She was also known as
19 "Lady Mayhem" or "Dee Dee."

20 Q. And she was a member of the Rollin 60s?

21 A. Yes. She was a leader of the female line of the
22 Rollin 60s.

23 Q. So the Rollin 60s were not limited to only male
24 members?

25 A. Correct, they had female members as well.

1 Q. To the right of Ms. Johns, who is that?

2 A. That is Deaires Foster who is also a member of
3 the Rollin 60s who went by "Little Bluebone," also
4 "Trigger," but the name he went by mostly was "Trigger,"
5 but "Little Bluebone" relates him to the line of Rollin
6 60s he was on and his rank in that line.

7 Q. And to the right of Mr. Foster, who is this?

8 A. That is Roderek Perry, a/k/a "Hoodlum."

9 Q. And on the lower left-hand corner, who is this?

10 A. That is Carlos Woodley. He is known as "Thunder"
11 or "Thunderhead" and also "Little Max 60."

12 Q. And to the right of Mr. Woodley?

13 A. That is Anthony Weaver. He's also known as
14 "Cane" or "Little TK."

15 Q. And to the right of Mr. Weaver?

16 A. That is Charles Smith. He is known as "Chucc" or
17 "Siccowe," and he's also known as "Baby Sayso."

18 Q. And to the right of Mr. Smith, who is this?

19 A. This is Jermel Coleman. He is known as "Ninja."
20 He's also know as "Mel."

21 Q. "Mel" being short for Jermel?

22 A. Yes.

23 Q. Now, Agent Nether, in the course of your
24 investigation, did you learn that most of the people
25 depicted in this photograph, specifically Mr. Barber,

1 Woodley, Weaver, Smith, Ms. Johns, were all the heads of
2 various lines of the Rollin 60s?

3 A. Yes, I did learn that.

4 Q. And they all had people that reported to them?

5 A. That is correct.

6 Q. So this is just a subset, if you will, of the
7 members of the Rollin 60s here in Detroit?

8 A. Correct. They're still Rollin 60s, but they
9 controlled lines underneath the overall Rollin 60s Crips
10 set.

11 Q. If we could move to Exhibit 2-D, please. And do
12 you recognize the people depicted in this exhibit?

13 A. Yes, I do.

14 Q. If we can move to Exhibit 2-E. Starting again in
15 the upper left-hand corner, who is this?

16 A. This is Jerome Hamilton, the person that I said
17 was the main leader of the Rollin 60s. He mainly went
18 by the name "Staccz," but he also went by "Maniac," and
19 he was in charge of the Maniac line, which was the main
20 line for the Rollin 60s. That was the -- since he was
21 considered the main leader, that was the main line of
22 the Rollin 60s were the Maniacs.

23 Q. And to the right of Mr. Hamilton?

24 A. That is Darriyon Mills. He went by "Fatal," and
25 he was also "Little Maniac." And "Little Maniac" is

1 based on being directly under the leadership of Jerome
2 Hamilton.

3 Q. So that's an example of the ranking system that
4 you referred to earlier?

5 A. Correct.

6 Q. So a person directly underneath the head of the
7 line would be known as "Little"?

8 A. Correct. If you belonged underneath that line,
9 you had to take some form of that person's name that
10 you're underneath.

11 So because Jerome Hamilton also went by "Maniac"
12 and had a Maniac line, if you were underneath the Maniac
13 line, you would have to have some form of that name, so
14 one of his names was also "Little Maniac," and that
15 would be how you could tell who he was directly under or
16 who he was affiliated with.

17 Q. Who is depicted to the right of Mr. Mills?

18 A. That is Tre Tigner.

19 Q. And did he have a name he also went by?

20 A. He went by "Cheese."

21 I was just going to say he was also a member of
22 the Maniac line.

23 Q. Thank you. Sorry to interrupt.

24 To the lower left, who is this?

25 A. That is Terrell Lewis, also known as "Vicious,"

1 and that is the name of the person that we saw in a
2 couple of the gang graffiti pictures earlier.

3 Q. To the right of Mr. Lewis, Mr. Terrell Lewis, who
4 is this?

5 A. That is Gerrod Lewis, also known as "C Nice."
6 That is the deceased member of the Rollin 60s where we
7 saw the photograph on Patton and Grand River where it
8 said "RIP C Nice."

9 Q. Rest in peace?

10 A. Rest in peace, yes.

11 Q. To the right of Mr. Gerrod Lewis, who is this?

12 A. That is Torian Brinson, also known as "T Murda."
13 He's also a deceased member of the Rollin 60s.

14 Q. Is it fair to say that most of the people
15 depicted in this photograph we're going to be referring
16 to in the course of your testimony?

17 A. Yes.

18 Q. Now, Agent Nether, in the course of your
19 investigation, as well as your conversations with the
20 members of the Rollin 60s, did you learn how people gain
21 membership or became members of the Rollin 60s Crips?

22 A. Yes, I did.

23 Q. What is that process?

24 A. Based on speaking with the original OG from
25 California, as well as speaking to the cooperators on

1 this investigation, I learned that the way you get into
2 the gang is either by putting in some form of work or
3 conducting a mission, which is some type of criminal
4 activity, or the main way to get in was a process called
5 a Put On which is also referred to as a C-down or a
6 loc-in.

7 Q. Let's break that down a little bit.

8 So it sounds like there are two ways you can
9 become a Rollin 60s, two primary ways?

10 A. Correct.

11 Q. You can either put in work or do a mission?

12 A. Correct.

13 Q. Or you can go through this Put On or C-down
14 process?

15 A. Correct.

16 Q. And for purposes of the court reporter, when
17 we're saying C down, is that literally the letter "C"?

18 A. Yes.

19 Q. And then the word "down"?

20 A. Correct.

21 Q. Work for a mission, is that just another way of
22 saying do some sort of criminal activity?

23 A. Yes.

24 Q. And would that be any criminal activity you
25 wanted or would it have to be something you were told to

1 do?

2 A. Well, if you were getting into the gang based on
3 putting in work, that would be something that you were
4 told to do.

5 The loc-in was also something that you are told
6 to do.

7 THE COURT: The what?

8 THE WITNESS: A loc-in or C down.

9 MR. CRALLE: Spell that for the court
10 reporter as well, please.

11 THE WITNESS: Loc-in would be l-o-c, dash,
12 i-n, like loc-in.

13 BY MR. CRALLE, CONTINUING:

14 Q. Okay. Let's again break that down a little bit.

15 When you loc, l-o-c, is that a common phrase used
16 within the Crips?

17 A. Yes.

18 Q. Is that essentially a synonym for the word
19 "Crips." In other words, if I were to say, hello, Loc,
20 is that the same essentially calling you a Crip?

21 A. Yes, yes. All the Crips would refer to each
22 other as Locs.

23 Q. So when we're talking about that Put On or C-down
24 or loc-in, those are all different ways of effectively
25 saying the same thing?

1 A. Correct.

2 Q. Now that we know what it's called, what is it?

3 A. It is a process of -- it's actually a voluntary
4 process of having to fight other members of the gang to
5 show the other members of the gang basically how tough
6 you are, so you have to fight them for a certain amount
7 of time.

8 It could be one-on-one where we've seen that or
9 it could be multiple members fighting that recruit at
10 one time.

11 Q. So essentially you're going to fight members of
12 the Rollin 60s, and if you make it through, you're in?
13 And when I say "make it in" or "make it through," to
14 clarify, this is just a fight? This isn't anything more
15 than that, is it?

16 A. Correct, it's a fight.

17 Q. It's a fist fight?

18 A. Correct.

19 Q. So effectively it's a measurement of how tough
20 you are?

21 A. Correct.

22 Q. So if you fight to their satisfaction, you're a
23 member?

24 A. If it's to their satisfaction, yes, you would be
25 a member at that point.

1 Q. But if you don't go through one of those two
2 processes, you're not officially a member?

3 A. Correct, you would not officially be a member.

4 MR. CRALLE: Your Honor, that is the end of
5 that topic. I believe we had talked about ending at
6 four. I'm happy to proceed if you'd like.

7 THE COURT: No. Well, I'll let my jurors go
8 home today and then we'll bring them back on Monday. If
9 you think this is good place to stop.

10 MR. CRALLE: It is a good break point.

11 Remember that you're not permitted to talk
12 about the case among yourselves or with anyone else.
13 And not to use any social media of any kind or any other
14 kind of research to find out anything about the case or
15 anybody involved in the case, including the people at
16 counsel table.

17 I would also ask that if any news reports
18 appear, that we do not expect, but if they do, you
19 shouldn't pay attention to any of the news reports or
20 anything on any kind of media that might come out about
21 the case.

22 Some of you have some notebooks, and so
23 Ms. Owens is back in the back again, and Ms. Silber up
24 here will let you know where we're going to put your
25 notebooks and collect them from you and make sure that

1 you get them back first thing on Monday morning.

2 All of you have a copy of the schedule,
3 right? And so it says that on Monday we're going to --
4 well, it says on Friday there is no trial on mine, but
5 in any event, on Monday we're going to start at 9 and go
6 to 12:30 and then from 2 to 5. I'm not going to promise
7 those exact lunchtimes moments, okay. When it gets to a
8 good place to stop, that's when we'll stop so you'll
9 have time to get lunch.

10 So everyone come at least in time to go up
11 to the fifth floor first and then to come down here, all
12 right, so maybe like 8:45 at least.

13 Do you have any other matters for the jurors
14 today?

15 MR. CRALLE: No, Your Honor.

16 MR. NISKAR: No, Your Honor.

17 MR. BERGER: No, Your Honor.

18 (Whereupon the Jury was excused at 3:57
19 p.m.)

20 THE COURT: Are there any other witnesses
21 you expect to call on Monday?

22 MR. CRALLE: I think it's possible we'll
23 call Charles Smith, but I doubt it. He's more likely
24 Tuesday.

25 THE COURT: But your next witness will be

1 Charles Smith?

2 MR. CRALLE: That's correct.

3 THE COURT: And on Monday you should be
4 prepared to go until five, okay?

5 MR. CRALLE: Yes, Your Honor.

6 THE COURT: But I will adjust the lunch
7 period based on any number of factors, okay.

8 MR. CRALLE: Yes, Your Honor.

9 THE COURT: Anything else today?

10 Mr. Niskar, do you want to leave your box?

11 MR. NISKAR: I'm going to leave one, if I
12 could, in chambers and take one with me.

13 THE COURT: Okay, that's fine. They gave
14 you a place to store it?

15 MR. NISKAR: Jim, hasn't told me yet, but --

16 THE COURT: But he will.

17 Anything else, Mr. Berger? Do you have
18 anything you want to leave? You don't have anything you
19 need to leave?

20 MR. BERGER: Yes, one briefcase.

21 THE COURT: Okay, that's fine. You can put
22 it in the same place.

23 Mr. Cralle, you need to gather up the
24 documents.

25 MR. CRALLE: I will.

1 THE COURT: And also, when you have a
2 witness on the stand, even if you're taking something up
3 to them, don't talk to them, okay?

4 MR. CRALLE: Yes, Your Honor.

5 THE COURT: Very good. I'll see you all on
6 Monday.

7 Court is in recess.

8 (Proceedings concluded at 4:00 p.m.)

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1 C E R T I F I C A T I O N

2 I, CHERYL E. DANIEL, Official Federal Court
3 Reporter, after being first duly sworn, say that I
4 stenographically reported the foregoing proceedings held
5 on the day, date, time and place indicated. That I
6 caused those stenotype notes to be translated through
7 Computer Assisted Transcription and that these pages
8 constitute a true, full and complete transcription of
9 those stenotype notes to the best of my knowledge and
10 belief.

11 I further certify that I am not of counsel
12 nor have any interest in the foregoing proceedings.

13

14 /S/ CHERYL E. DANIEL,

15

16 CHERYL E. DANIEL,

17 FEDERAL OFFICIAL COURT REPORTER

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19 DATED: July 17, 2017

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